

F/3394

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF MEDICAL EXAMINERS

In the Matter of the
Medical License of
Myron R. Wilson, MD

STIPULATION
AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Myron R. Wilson, MD (hereinafter "Respondent"), and the Minnesota Board of Medical Examiners (hereinafter "Board") by George B. Martin, MD, Chairman of the Discipline Committee, as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota;

2. The Board has received and investigated complaints against Respondent which allege sexual conduct with two patients, unprofessional conduct, impairment due to chemical dependency, and a misrepresentation in a prior disciplinary investigation. All of the alleged conduct, except the alleged misrepresentation, occurred 10 to 20 years ago;

3. Respondent denies all complaints under investigation. Respondent no longer resides in Minnesota and has represented that he has retired from practice in Minnesota;

4. The Board has probable cause to proceed under Minn. Stat. § 147.091, subd. 1(k), (l), (t), and (u) (1988);

5. The complaints, all of which are contested, may be unresolvable due to the passage of time;

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F/3395

6. In the interest of settling this matter and avoiding the necessity of further proceedings, Respondent and the Board hereby agree that upon this stipulation and all of the files, records, and proceedings herein, and without any further notice of hearing herein, Respondent does hereby consent that the Board may make and enter an order as follows:

a. Respondent shall resign his license to practice medicine and surgery in Minnesota;

b. Upon Respondent's resignation of his license to practice medicine and surgery in Minnesota, the Board agrees to close its files in this matter;

c. Respondent shall not reapply for a license to practice medicine and surgery in Minnesota;

d. Should Respondent seek licensure in Minnesota, the Board may reopen its investigation.

7. Respondent is aware that this stipulation and order will be disseminated to all states. Upon request the Board may share its investigative data with any requesting state;

8. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals at which Respondent currently has medical privileges. The information shall be sent to Richard L. Auld, Board of Medical Examiners, Suite 106, 2700 University Avenue West, St. Paul, Minnesota 55114;

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this


case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;


10. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has been so represented by John R. Kenefick of Briggs & Morgan and Phillip Cole of Lommen, Nelson, Cole & Stageberg;

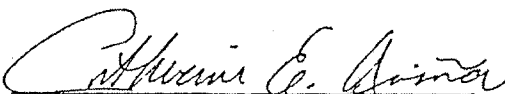
11. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein;

12. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: June __, 1989


MYRON R. WILSON, MD
Respondent


PHILLIP COLE
Attorney for Respondent


CATHERINE E. AVINA
Attorney for Board



JOHN R. KENEFICK
Attorney for Respondent

F/3397

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 2 day of July, 1989.

MINNESOTA BOARD OF
MEDICAL EXAMINERS


GEORGE B. MARTIN, MD
Chairman, Discipline Committee

COPY

APPLICATION 1-1

B/104

STATE OF MINNESOTA, COUNTY OF Stearns District COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF Stearns)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Donald Tweedy being first duly sworn upon oath, hereby makes application to this court for a warrant to search the premises hereafter described, for the property and things hereafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

Any and all papers and writings making reference to taking the life of another, suicide, religion, satanism, devil worship, abduction or describing in any way any relationship between PHILIP RICCI and the family of Dr. Gerald Wetterling.

A flight jacket, hat, face mask, gloves, all footwear and any firearm or indication that one is owned by PHILIP RICCI or that RICCI was, or could have been, in possession of a firearm on or about 10/22/89, including shells, permits, licenses, warranty papers.

will be at the premises described as:

512 South 8th St., Apt. 301

located in the City of St. Cloud, County of Stearns,
and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

(Continued on page 1-2)

1449

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Affiant, Donald Tweedy, is a licensed Minnesota Peace Officer with 20 years of law enforcement experience. He has been employed as a Special Agent with the Minnesota Bureau of Criminal Apprehension for the past 11 years and has been trained in investigation, and has investigated numerous felony crimes. In this capacity, affiant was assigned to assist in the investigation of the kidnapping of Jacob Wetterling.

The following facts derived from affiant's investigation lead affiant to believe that Jacob Wetterling was kidnapped by an male subject who claimed to have a gun and that PHILIP RICCI matches the physical description of the kidnapper and has made statements and left writings indicating that he may either be involved in the kidnapping or has information which may identify the perpetrator.

1. Affiant was assigned to assist the Stearns County Sheriff's Office in the investigating the kidnapping of JACOB WETTERLING, Age: 11 years, which was reported to have occurred on 10/22/89, at about 9:00 PM, from 91st Ave. S., St. Joseph.
2. Affiant reviewed the reports of the investigation to learn that JACOB was with Age: 10 years, and
Age: 11 years, when they were approached by a male subject they described as being 5'9" to 5'10", weighing about 180 Lbs. and wearing dark clothing including a ski-type mask to cover his face.
3. Age: 11 years, reported that the subject had a gun and ordered them to leave, took JACOB by force, and neither the subject or JACOB have been seen to date.
4. Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boy's shoes and are presumably those of the kidnappers.
4. Affiant participated in an extensive investigative effort by representatives from local, state and federal agencies through which he received and investigated a tip from the St. Paul-Ramsey County Medical Center in St. Paul that an admitted patient matched a composite drawing which had been released by the investigative task force.
5. Affiant contacted David Fortney, Vice President and General Counsel for the Medical Center, by telephone and learned that PHILIP RICCI had been admitted on 10/28/89, at 10:30 PM, by his sister, Debra Ricci, because he was reportedly acting strange.

(Continued on Page 1-3)

1448

6. Ken Splittstoesser, Ramsey County Sheriff's Office, submitted a report to the Task Force concerning RICCI's admission to the Psychological Ward of the Medical Center, from which affiant learned that RICCI had stated that as a young boy he had abducted a dog, was talking about sexual matters and matched the composite.
7. On 10/30/89 at about 2:30 PM, Affiant learned from Mr. Fortney that RICCI was a student at St. Cloud State University and lived at 512 S. 8th St., Apt. 301, St. Cloud while attending school. Fortney also said that RICCI was very "Manicky" and that if RICCI sought release from the Center they would seek a 72-involuntary hold.
8. On 10/31/89, at 1:30 PM, affiant went to Apt. 301, at 512 S. 8th St. and interviewed Steve Tell, who said he and Steve Storoff had shared the apartment with RICCI since about mid-September.
9. Tell told affiant that RICCI behaved "very weird" and that he and RICCI had had a physical fight a week or so earlier and that as result of this fight they did not speak much and generally avoided each other.
10. Tell said that RICCI was a member of the Air National Guard where he performed some kind of medical technician duties. Tell recalled that RICCI had Guard duty the weekend of 10/21-22/89 and that RICCI did not return to the apartment on 10/22/89 until between 10:30 PM and 11:00 PM.
11. Tell said the RICCI had been befriended by a couple that lived across the alley from their apartment building and that RICCI had told him he thought that they had a secret chamber and pit dug out of the their basement floor for some kind of satanic rites.
12. On 10/31/89, at 4:30 PM, Tell reported to affiant that he had discovered some of RICCI's papers and a calendar in the living room of the apartment and that some of the writings on the papers referenced the "Bahai" faith and were attached to a poster picturing JACOB.
13. Affiant obtained documents from Tell with his written consent with indicate that RICCI was obsessed with death, suicide and killing another.

Exhibit A: Copy of Wetterling Poster and attached notes (Phone numbers recorded on the poster list to the Sheriff's Office).
14. Affiant also observed a note from Holy Cross Lutheran Church among the papers found by Tell and contacted Anthony Bertram, the

(Continued on Page 1-4)

1447

3/107
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APPLICATION 1-4

Pastor, to learn that RICCI had visited him and expressed an irrational fear of a couple he identified as Dan and Julianna who affiant was able to determine lived at 513 S. 7th Ave., directly behind RICCI's apartment.

15. On 10/31/89, at 5:40 PM, affiant interviewed Daniel Hollenhorst and Julianna Elchert at 513 S. 7th Ave. and learned that they had befriended RICCI but had become very fearful of him after a couple of meetings where RICCI had been irrational and threatening.
16. Hollenhorst and Elchert described RICCI as being around 5'9", medium build, with short cut curly dark hair and wearing glasses, but not all the time.
17. Affiant learned from Elchert that RICCI had come to their home on 10/22/89, at 7:00 PM (the night of the kidnapping) and that he left a half hour later.
18. The couple told affiant that RICCI was wearing a nylon flight jacket when he came to their house and that RICCI had said he had been at guard duty (interview reports from the boys who had escaped the kidnapper reported that the subject had been wearing a smooth winter-type coat not appropriate for the temperature the night of the kidnapping).
19. Tell's report that RICCI did not return on the night of the 22nd until between 10:30 PM and 11:00 PM and the couple's report that RICCI left their home at about 7:30 PM leaves RICCI whereabouts unaccounted for between 7:30 PM and 11:00 PM, with the time of occurrence for kidnapping being about 9:00 PM.
20. On 11/1/89, affiant received a phone call from David Fortney at the Medical Center and learned that PHILIP RICCI had been released from the medical center about 2:30 PM on 10/31/89 and that RICCI was presently in the emergency room of the medical center with his brother Steve, who was being treated for injuries resulting from an assault by PHILIP RICCI.

Thus affiant has reason to believe and does believe that PHILIP RICCI is involved in the kidnapping of JACOB WETTERLING and that evidence of this involvement exists at RICCI's residence at 512 S. 8th St., Apt. 301, St. Cloud.

A nighttime search or unannounced entry are not requested.

(Continued on Page 1-5)

1446

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Wherefore, affiant requests a search warrant be issued, commanding Special Agent Donald Tweedy, Minnesota Bureau of Criminal Apprehension, FBI Special Agent Kevin Crawford and other officers at their direction peace officer(s), of the State of Minnesota, in the daytime only to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Affiant, Donald Tweedy

Subscribed and sworn to before me
____ day of _____, 1989

Judge of District Court

1445

COPY₁

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF Stearns District COURT 13/100

TO: Special Agent Donald Tweedy, Minnesota Bureau of Criminal Apprehension, FBI Special Agent Kevin Crawford and other officers at their direction PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, Donald Tweedy has this day on oath, made application to the said court applying for the issuance of a search warrant to search the following described premises:

512 South 8th St., Apt. 301

located in the City of St. Cloud, County of Stearns, and State of Minnesota. for the following described property and things:

Any and all papers and writings making reference to taking the life of another, suicide, religion, satanism, devil worship, abduction or describing in any way any relationship between PHILIP RICCI and the family of Dr. Gerald Wetterling.

A flight jacket, hat, face mask, gloves, all footwear and any firearm or indication that one is owned by PHILIP RICCI or that RICCI was, or could have been, in possession of a firearm on or about 10/22/89, including shells, permits, licenses, warranty papers.

Documents tending to show constructive possession of the above items. 11/1/89 PCT PH
WHEREAS, the application and supporting affidavit of Special Agent Donald Tweedy, Minnesota Bureau of Criminal Apprehension was duly presented and read by the court, and being fully advised in the premises.

NOW, THEREFORE, the court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

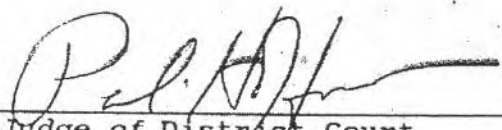
The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things will be at the above-described premises.

NOW, THEREFORE, YOU Special Agent Donald Tweedy and PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED TO ENTER IN THE DAYTIME ONLY TO SEARCH THE DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated Nov. 1, 1989


Judge of District Court

1442

1. A St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear.
2. A Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back.
3. A pair of blue sweat pants
4. A blue mesh t-shirt
5. A pair of Nike tennis shoes
6. White tube socks
7. White boys brief.
8. A blaze orange runners-type vest.
9. Firearms, including but not limited to handguns.
10. Bills, letters, receipts, papers, and other documents bearing the names Duane Harold Cornwell and Jacob Erwin Wetterling.
11. Adult male footwear.
12. Head mask, including but not limited to a smooth nylon-type mask.

COPY
B/101

If I Am To Die

I would like for the good citizens of this world to teach there children from a new perspective.

Stage 1

Over coming the want to kill another. This also includes name calling. Children should be taught that words are words not the territory or time segments they warp.

Like Smith & Westen have made all men equal, the atomic bomb has made and will make all countries equal.

This means that justise serves in TIME. Your only hit if you hit.

Stage 2

Teach children how to love body and mind as one. This means to teach masterbation until child accepts it as taking care of humanly needs.

It is not impossible to cut one's throat and cry for help at the same time.

Stage 3

As you get older life gets old
The will to kill oneself. No one kills themselves who has not wished for the death of another.

The dedication to forestall death is an indication that the medical profession believes that death is never appropriate.

I am now an old person and most of my treasure is therefore in future generations. This is why I care so much. Healthy children will not fear life if their elders have integrity enough not to fear death.

A Beautiful plan
Extremely Beautiful

Bahā Ullāh,
ABDUL-BAHĀ

Bahā 1863 Trob

Bahī Bahāla
Spiritual

Popago Unity of all
world

In the Rose garden
A flower has begun
to bloom

Bahā Ullāh

Alfred Ray

BP 360.144x

1443

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B/102

Abducted



Jacob Wetterling Age 11

Jacob was abducted on Sunday, October 22, 1989, from 91st Avenue South of St. Joseph, Minnesota, at approximately 9:15 p.m. He and his brother and a friend were approached by a male subject wearing dark clothing carrying a handgun. Jacob's brother and friend were allowed to leave but Jacob was forced to remain. No vehicle was seen. Jacob is five feet tall, 75 pounds, brown hair, blue eyes, mole on left cheek, wearing a red hockey jacket with an orange vest, blue sweat pants, and Nike high top tennis shoes.

254-3781

If you have any information, please call the Stearns County Sheriff's Department at 612-251-4240 or Crime Stoppers at 612-255-1301 or toll free 1-800 255-1301.

257-3982

257-3700

1444

STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT COURTSTATE OF MINNESOTA)
) SS.
COUNTY OF Stearns)APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Douglas Pearce being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicle) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. A St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear.
2. A Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back.
3. A pair of blue sweat pants
4. A blue mesh t-shirt
5. A pair of Nike tennis shoes
6. White tube socks
7. White boys brief.
8. A blaze orange runners-type vest.
9. Firearms, including but not limited to handguns.
10. Bills, letters, receipts, papers, and other documents bearing the names Duane Harold Cornwell and Jacob Erwin Wetterling.
11. Adult male footwear.
12. Head mask, including but not limited to a smooth nylon-type mask.

(are) (will be)

(at the premises) (in the motor vehicle) (on the person) described as:

A rambler style house, red in color, with attached two stall garage, and an unattached red shed in the rear portion of the residence, located at 9514 Crestview Drive, Pleasant Acres,

located in the Township of St. Wendel, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant is Douglas Pearce, a detective with the Stearns County Sheriff's Department. That your affiant bases this affidavit on his own investigation and information contained in Stearns County offense report # 89006407.

and , male juveniles whose names and other identifying information are known to your affiant, told your affiant that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; and told your affiant and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered and to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper.

Pursuant to the investigation of that case on November 28 and 29, 1989, investigators spoke with Duane Harold Cornwell, 9514 Crestview Drive, Pleasant Acres, St. Wendel Township, Stearns County, Minnesota.

During the early morning hours of November 29, 1989, Cornwell spoke with Stearns County Deputy Sheriff David Hoeschen while they were present in Cornwell's residence; also present were Neil Neddenmeyer of the Hennepin County Sheriff's Department and Special Agent Denny Sigafus of the Minnesota Bureau of Criminal Apprehension; Cornwell told Deputy Hoeschen that he (Cornwell) had taken Jacob Wetterling; when asked by Detective Neddenmeyer if he had the clothing of Jacob Wetterling, Cornwell responded that he did not know; when asked by Detective Neddenmeyer if he knew where the clothing was, Cornwell replied that it might be in the basement (Cornwell's basement).

That your affiant was personally at the Cornwell residence on November 29, 1989, and describes the residence to be searched as a rambler style house, red in color, with attached two stall garage, and an unattached red shed in the rear portion of the residence, located as described above.

That your affiant and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

That based on the statements of Cornwell your affiant requests a search of the above-described premises.

(continued on page 1-3)

4/29

(attach and identify additional sheet if necessary)

~~A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:~~

~~An unannounced entry is necessary to prevent the loss, destruction or removal of the objects of the search (and) to protect the safety of the peace officers because:~~

WHEREFORE, Affiant request a search warrant be issued, commanding Douglas Pearce and other
law enforcement officers under his control and direction, all

~~(A peace officer(s), of the State of Minnesota, to serve with an announcement of authority and purpose;~~
~~(in the daytime only) In the daytime and nighttime;~~
 to search the hereinbefore described (premises) ~~(motor vehicle) person~~
 for the described property and things and to seize said property and things and keep said property and things in
 custody until the same be dealt with according to law.

Affiant Douglas Pearce

Subscribed and sworn to before me this
20th day of November 1986.

Judge of District

Court

SEARCH WARRANT

4/26 2-1

STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT COURT

TO: Douglas Pearce and other law enforcement officers under his control and direction, all (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, Douglas Pearce has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises) (motor vehicle) (person):
A rambler style house, red in color, with attached two stall garage, and an unattached red shed in the rear portion of the residence, located at 9514 Crestview Drive, Pleasant Acres,

located in the Township of St. Wendel, county of Stearns STATE OF MINNESOTA for the following described property and things: (attach and identify additional sheet if necessary)

SEE ATTACHED PAGE 2-1A

WHEREAS, the application and supporting affidavit of Douglas Pearce (was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds: (Strike inapplicable paragraphs)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as a means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things (are) (were) (at the above-described premises) (in the above described motor vehicle) (in the person of).

~~The Court further finds that it is necessary to prevent the loss, destruction, or removal of the objects of said search.~~

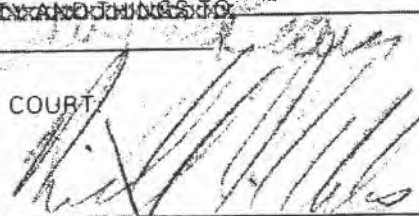
~~The Court further finds that it is necessary to prevent the loss, destruction, or removal of the objects of said search (and) to protect the safety of the peace officers).~~

NOW, THEREFORE, YOU Douglas Pearce and other law enforcement officers under

your control and direction, all

THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED ~~TO ENTER WITHOUT ANNOUNCEMENT OF THEIR PRESENCE AND PURPOSE (IN THE DAYTIME ONLY) (NOT NECESSARY OR TIMELY)~~ TO SEARCH (THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (THE PERSON OF) FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW) (TO PREPARE AN INVENTORY OF SAID PROPERTY AND THINGS TO).

BY THE COURT



JUDGE OF District COURT

Dated Dec. 22, 1986

STATE OF MINNESOTA, COUNTY OF Stearns Dist COURT

RECEIPT, INVENTORY AND RETURN

I, Doug Roden, received the attached search warrant issued by the Honorable A. H. Lee, on Nov 29, 1989, and have executed it as follows:

Pursuant to said warrant, on Nov. 29, 1989 at _____ o'clock __m., I searched the (premises) (~~motor vehicle~~) (person) described in said warrant and left a true and correct copy of said warrant (with) (at) 9514 Crestview Dr. Pleasant Acres

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

- ① 1- Ruger Model 10/22 carbine Ser# 230-72801/Scope
+ on gun case
 - ② 1- Beretta Model 303 12g. Ser# L92109E / Case Como
 - ③ 1- Remington 700 bolt/Scope Ser# A6394557 / + on Can
 - ④ 1- P Beretta 20 gauge 3" Ser# L84778E / gun Case
 - ⑤ 1- Hiawatha Model 1594 / Single Shot 20g. Comm stock Ser# P677564
 - ⑥ 1- Charles Daly Dayton 12g. Ser# 12-76X3375 / Como Can
 - ⑦ 1- 12g. Slug gun gun combination / Scope + on / white can
 - ⑧ 1- Daisy B.B gun handle
 - ⑨ 1- Crosman Pump BB gun
 - ⑩ 1- Winchester Model 70XTR 30.06 / Scope #61534276
+ on hard gun case
- (Strike when appropriate:)

I left a receipt for the property and things listed above with a copy of the warrant.

~~None of the items set forth in the search warrant were found.~~

I shall (retain) or ~~deliver~~ custody of said property as directed by Court order.

_____, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this _____ day of _____, 1989

Notary Public, _____ County, Minn.

Signature _____

My commission expires _____

STATE OF MINNESOTA, COUNTY OF Stearns

District _____ COURT

STATE OF MINNESOTA)
COUNTY OF Stearns) SS.APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVITRalph Boeckers

being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (~~motor vehicles~~) (~~person~~) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, , blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

(are) (~~Will be~~)(at the premises) (~~in the motor vehicle~~) (~~on the person~~) described as:

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

located in the Township of Paynesville, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

L/31a

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Affiant, Ralph Boeckers, is a Detective with the Stearns County Sheriff's Department.

Affiant is aware that on January 13, 1989, the Stearns County Sheriff's Department received and began to investigate the report of a sexual assault which had happened that day in Munson Township, Stearns County, Minnesota. Officers spoke to a male juvenile whose name and other identifying information is known to affiant and is contained in offense reports relevant to this investigation. [redacted] was 12 years old on the day of this incident, having a date of birth of January 19, 1976.

[redacted] told investigating officers that at approximately 9:45 p.m. on January 13, 1989, he was walking home from the Side Cafe, located in the City of Cold Spring, Stearns County, Minnesota. Approximately three blocks from his home, [redacted] met a vehicle driven by a white adult male. The driver stopped the vehicle and asked [redacted] if he knew where a person named Kraemer lived. As [redacted] began to respond, the driver got out of the vehicle, grabbed [redacted] and threw him in the backseat of the car. [redacted] was able to observe that the car was a dark blue, four door model with a lighter blue interior. [redacted] stated that he thought the car was a new car because it smelled new and had an automatic transmission, with the shift lever located on the steering column. Both the front, bucket-type seats and the rear, bench-type seat were covered in a lighter blue material accented in darker blue leather or vinyl. Additionally, [redacted] observed a small white sticker in the right hand corner on the top of the rear back window. The rear back window was not much slanted, but rather was more perpendicular to the body of the car and had a defroster on it.

After forcing [redacted] into the rear seat of the car, the driver re-entered the car and drove away, instructing [redacted] to cover his face with his stocking cap. [redacted] complied with the driver's instructions, but was able to see that he was being driven out of the City of Cold Spring. [redacted] observed that the driver was a white adult male, approximately 5'6" to 5'7" tall, weighing approximately 170 pounds, with broad shoulders and a pudgy, "beer belly" stomach. [redacted] stated that the driver did not have straight teeth. His teeth were crooked, like "cheese teeth". Additionally, the driver was darker complected, with a rough, wrinkled face and a stubble of beard. [redacted] observed that the driver was wearing green camouflage army-type clothing with a dark vest. The man wore black military-type boots and a brown baseball cap with lettering. [redacted] noted that the man had a deep voice and there appeared to be the indentation of a ring on the man's right ring finger. The man also wore an army-type watch on his left wrist. Additionally, [redacted] noted that the man had dark hair.

[redacted] also noticed a "walkie talkie" type hand-held radio device inside the car. The walkie talkie had gray duct tape on it and was scratched. The walkie talkie had an antenna on it. [redacted] heard two voices speaking on the walkie talkie, one male and one female. The driver shut the walkie talkie off during the course of this incident.

[redacted] told officers that the man drove for some time, driving in a way that interpreted as being intended to confuse him. Eventually, the man stopped the vehicle on a dirt or gravel road which [redacted] believed to be north of the City of Richmond, Stearns County, Minnesota. [redacted] was able to observe a farm light in the distance. After stopping the vehicle, the driver entered the backseat with [redacted]. The driver instructed [redacted] to remove his snowmobile suit, and [redacted] complied. The driver instructed [redacted] to pull his pants and underwear down. [redacted] complied,

(continued on page 1-3)

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching [redacted] feeling [redacted] penis with his hand. The driver instructed [redacted] to touch the driver's genital area, which [redacted] did. The driver then placed [redacted] penis into his mouth and began to suck on it. After some time, the driver instructed [redacted] to suck on the driver's penis. [redacted] complied, placing the driver's penis inside his mouth. [redacted] noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, [redacted] wiped his mouth on his T-shirt several times. The driver instructed [redacted] to kneel on his hands and knees and spread his legs. [redacted] complied and the driver attempted to insert his penis into [redacted] rectum. [redacted] struggled and the driver was unable to effect entrance. The driver stated, "I give up".

[redacted] stated that the driver then returned to the driver's seat, instructing [redacted] to give the driver [redacted] pants, which were Lee stone island jeans, size Regular 14, and underwear, size 12 or 14. The driver took [redacted] pants and underwear into the front seat and permitted [redacted] to put on his snowmobile suit. The driver then drove [redacted] back toward Cold Spring. While driving, the driver asked [redacted] whether he had any money. [redacted] stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped [redacted] off near the City of Cold Spring, instructing [redacted] to roll around in the snow in order to wipe his snowmobile suit off. Before permitting [redacted] to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed [redacted] that the driver had a gun. As he dropped [redacted] off, the driver stated that [redacted] could tell what happened, but if the police got a lead on the driver, the driver would "get [redacted] after school and kill [redacted]".

On January 17, 1989, Detective Pearce displayed to [redacted] a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, [redacted] indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8HB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L [redacted], was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence [redacted] sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he [redacted] was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

TW and AL, male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; TW and AL told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered TW and AL to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

L/319

#124 and Cushing Road. The residence has the fire number of 21P11 and has a 911 address of 16021 County Road #124, Paynesville, Minnesota. The residence is owned by Howard Heinrich. Said residence is located in Section 21, in the Township of Paynesville, Stearns County, Minnesota.

Affiant has reason to believe and does believe all the above information is true and correct. Affiant believes that evidence tending to show that crimes have been committed and that Danny James Heinrich committed them is being stored at Heinrich's residence.

(attach and identify additional sheet if necessary)

~~A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:~~

~~An unannounced entry is necessary to prevent the loss, destruction or removal of the objects of the search and to protect the safety of the peace officers because:~~

WHEREFORE, Affiant request a search warrant be issued, commanding Ralph Boeckers, and other law enforcement officers under his control and direction, all

~~(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)~~
~~(in the daytime only) (in the daytime or nighttime)~~
to search the hereinbefore described (premises) (motor vehicle) (person)
for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Subscribed and sworn to before me this

23 day of July 1970

Ralph Boeckers

Affiant Ralph Boeckers

Judge of W. J. R. District

Court

4/31e

SEARCH WARRANT

2-1

STATE OF MINNESOTA, COUNTY OF Stearns District COURT
TO: Ralph Boeckers, and other law enforcement officers under his control and

direction, all (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.
WHEREAS, Ralph Boeckers has this day on oath, made application to the said Court
applying for issuance of a search warrant to search the following described (premises)(motor vehicle)(person):

SEE ATTACHED 2-1A

located in the Township of Paynesville, county of Stearns STATE OF MINNESOTA
for the following described property and things: (attach and identify additional sheet if necessary)

SEE ATTACHED 2-1B

WHEREAS, the application and supporting affidavit of Ralph Boeckers
(was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon
the following grounds: (Strike inapplicable paragraphs)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as a means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above-described constitutes evidence which tends to show a crime has been committed,
or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things
(are) (will be) (at the above-described premises) (in the above-described motor vehicle) (on the person of).

The Court further finds that a nighttime search is necessary to prevent the loss, destruction, or removal
of the objects of said search.

The Court further finds that entry without announcement of authority or purpose is necessary (to pre-
vent the loss, destruction, or removal of the objects of said search) (and) (to protect the safety of the peace
officers).

NOW, THEREFORE, YOU Ralph Boeckers, and other law enforcement officers under your
control and direction, all

THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED (TO ENTER WITHOUT ANNOUNCEMENT OF
AUTHORITY AND PURPOSE) (IN THE DAYTIME ONLY) (IN THE DAYTIME OR NIGHTTIME) TO SEARCH
(THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (THE PERSON OF)
 FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID
PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND
ACCORDING TO LAW) (DELIVER CUSTODY OF SAID PROPERTY AND THINGS TO).

BY THE COURT:

T. J. W. J. K.
JUDGE OF District COURT

Dated 1/23, 1990

4/31h

SEARCH WARRANT 2-1A

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

SEARCH WARRANT 2-1B

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, , blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

STATE OF MINNESOTA, COUNTY OF Stearns District COURT

RECEIPT, INVENTORY AND RETURN

I, Ralph Boeckers, received the attached search warrant issued by the Honorable Paul Widick, on Jan 23, 1990, and have executed it as follows:

Pursuant to said warrant, on Jan 24, 1990, at 11:04 o'clock AM, I searched the (premises) (motor-vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) 16021 CR #124, Prynville MN

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

- (1) Black scanner carrying case
- (2) Lists of scanner frequencies and operating manuals
- (3) One Pair of Black boots
- (4) Two Bin bags
- (5) One scanner frequency Book "Radio Shack"
- (6) One shirt, One Pair trousers; camouflage
- (7) One Post due loan payment name of "Danny Heinrich"
- (8) One Py Stub Fingerhut Corporation name of Danny Heinrich dated 10.3.89
- (9) One vest
- (10) One "Regency" Hand Held scanner - Portable
- (Strike when appropriate:) (11) One 6 channel Regency scanner

I left a receipt for the property and things listed above with a copy of the warrant.

None of the items set forth in the search warrant were found.

I shall (retain) or (deliver) custody of said property as directed by Court order.

Ralph Boeckers, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this 31 day of Jan, 1990

[Signature]
Notary Public, County, Minn.

My commission expires _____

Ralph Boeckers
Signature

4/31

State of Minnesota County of

KANDIYOHI

DISTRICT Court

CCT
1
2

SECTION/Subdivision
Minn.St. §609.343/1(a)
Minn.St. §609.345/1(b)

U.O.C.
L3172
L7174

G.O.C.
N
N

CITY ATTY.
FILED 90-006

CONTROLLING CONTROL NO.
AGENCY 110340000 90000804

COURT CASE NO.

K9-90-75

DATE FILED

1-22-90

✓ If more than 6 counts (see attached) PRDS: ATTY PH: 612-231-2440

State of Minnesota

VS.

PLAINTIFF,

Complaint

SUMMONS

WARRANT

ORDER OF DETENTION

FELONY

GROSS MISDEMEANOR

NAME: first, middle, last

Duane Allen Hart

Date of Birth

07/30/47

SJIS COMPLAINT NUMBER

34-11-4-004370

KANDIYOHI

CITY

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

On January 19, 1990 at approximately 11:30 a.m., Investigator Hartog was given reports from Sgt. Nohner of the Stearns County Sheriff's Department in regard to a Stearns County investigation of the Defendant, Duane Allen Hart (DOB: 07/30/47), sexually abusing young boys in the Paynesville area.

On January 16, 1990 Stearns County Investigator Chuck Olson and FBI Agent Chris Friehofer interviewed and took a taped statement from the victim, (DOB:). told Investigator Olson and FBI Agent Friehofer that he had been sexually abused by the Defendant on different occasions. The occasions that he specifically told them about were during the summer months of 1987 when was 11 years old. stated that the Defendant had placed his (Defendant's) hand down the front of 's pants, touching 's penis. These incidents took place several times over the summer months of 1987 and occurred at Township in Kandiyohi County.

The next incidents that described happened during the months of October and November, 1989, when was 13 years old. described again that the Defendant would place his (Defendant's) hand down the front of 's pants, touching 's penis. stated that the Defendant had given him \$5.00 and had told him not to say anything to anyone after the incidents had occurred in October and November of 1989. These incidents occurred at Township in Kandiyohi County.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

Count 1: During the summer months of 1987, at Township, in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual contact with . who was under 13 years of age and the Defendant was more than 36 months older than

These acts constitute the offense of Criminal Sexual Conduct in the Second Degree, in violation of Minn.St. §609.343/1(a). The maximum sentence for this offense is imprisonment for a period of fifteen years, or payment of a fine of \$30,000.00, or both.

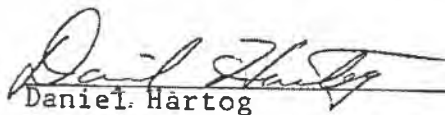
Count 2: On or about October and November, 1989, at Roseville Township, in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual contact with . who was over 13 years of age but less than 16 years of age, and the Defendant was more than 48 months older than

These acts constitute the offense of Criminal Sexual Conduct in the Fourth Degree, in violation of Minn.Stat. §609.345/1(b). The maximum sentence for this offense is imprisonment for a period of ten years, or payment of a fine of \$20,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

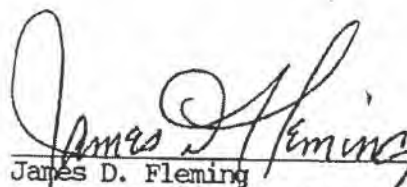
- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.


Daniel Hartog
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Complaint.

Dated: January 22, 1990


James D. Fleming
Assistant Kandiyohi County Attorney
Attorney Reg. No. 180737
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440

u/197

FINDING OF PROBABLE CAUSE

34-11-4-004370

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the
day of _____, 19 ____ at _____ AM/PM before the above-named court at
to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 22nd day of JANUARY, 1990

JUDICIAL OFFICER:

Name: ALLAN D. BUCHANAN
Title: DISTRICT COURT JUDGE

Signature:

Allan D. Buchanan

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

State of Minnesota County of KANDIYOHI DISTRICT Court

CCT 1 SECTION/Subdivision
Minn.St. §609.343/1(a)

U.O.C.
L7174

GOC
N

CTY. ATTY.
FILE NO. CR 90-006

CONTROLLING CONTROL NO.
AGENCY MN0340000 90000804

345

COURT CASE NO.

DATE FILED

AMENDED K9-90-75

2-16-90

✓if more than 6 counts (see attached)

State of Minnesota

VS.

PLAINTIFF,

Complaint

SUMMONS

WARRANT

ORDER OF DETENTION

FELONY

GROSS MISDEMEANOR

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

Duane Allen Hart

DEFENDANT.

07/30/47

34-11-4-004370

COMPLAINT

NOLA J. THULL
CLERK OF DISTRICT COURT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

FEB 16 1990

Kandiyohi County

FILED

On January 19, 1990 at approximately 11:30 a.m., Investigator Hartog was given reports from Sgt. Nohner of the Stearns County Sheriff's Department in regard to a Stearns County investigation of the Defendant, Duane Allen Hart (DOB: 07/30/47), sexually abusing young boys in the Paynesville area.

On January 16, 1990 Stearns County Investigator Chuck Olson and FBI Agent Chris Friehofer interviewed and took a taped statement from the victim, (DOB:) told Investigator Olson and FBI Agent Friehofer that he had been sexually abused by the Defendant on different occasions. The most recent incident that described happened during the months of October and November, 1989, when was 13 years old. described again that the Defendant would place his (Defendant's) hand down the front of 's pants, touching 's penis. stated that the Defendant had given him \$5.00 and had told him not to say anything to anyone after the incidents had occurred in October and November of 1989. These incidents occurred at in Kandiyohi County.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

Count 1: On or about October and November, 1989, at in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual contact with who was over 13 years of age but less than 16 years of age, and the Defendant was more than 48 months older than

These acts constitute the offense of Criminal Sexual Conduct in the Fourth Degree, in violation of Minn.Stat. §609.345/1(b). The maximum sentence for this offense is imprisonment for a period of ten years, or payment of a fine of \$20,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.

Roger A. Erickson *Chief Deputy*
Roger Erickson
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Amended Complaint.

Dated: February 9, 1990

Michael Q. Lynch
Michael Q. Lynch
Kandiyohi County Attorney
Attorney Reg. No. 65596
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440
/j .

FINDING OF PROBABLE CAUSE

34-11-4-004370

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of _____, 19 ____ at ____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 15th day of February, 1990.

JUDICIAL OFFICER:

Name: ARTHUR J. Beylan Signature: 

Title: DISTRICT COURT JUDGE

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

State of Minnesota County of KANDIYOHI DISTRICT Court

CLT 1 Minn. St. § 609.345/1(b) SECTION/Subdivision

U.O.C. L7174

GOC N

CTY. ATTY. FILER NO. 90-007

CONTROLLING AGENT NO. 0340000 CONTROL NO. 90000803

ADMINISTRATIVE INFORMATION

COURT CASE NO.

DATE FILED

K7-90-74 1-22-90

Complaint

SUMMONS
WARRANT
ORDER OF DETENTION

✓ If more than 6 counts (see attached) PROS: ATTY PH: 612-231-2440

State of Minnesota

VS. PLAINTIFF,

✓ FELONY
GROSS MISDEMEANOR

NAME: first, middle, last

Duane Allen Hart

Date of Birth

SJIS COMPLAINT NUMBER

07/30/47

34-11-5-004371

KANDIYOHI CITY

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

On January 19, 1990 at approximately 11:30 a.m., Investigator Hartog was given reports from Sgt. Nohner of the Stearns County Sheriff's Department regarding the Stearns County investigation of the Defendant, Duane Allen Hart (DOB: 07/30/47), sexually abusing young boys in the Paynesville area.

On January 16, 1990, Stearns County Investigator Steven Mund and FBI Agent Pete Cunningham interviewed and took a taped statement from a victim, (DOB:) told Investigator Mund and Agent Cunningham that during the summer months of 1987 when was 15 years old, the Defendant had unsuccessfully attempted to place his (Defendant's) hand down the front of 's pants. However, the Defendant felt 's groin over the top of 's clothing and on different occasions, squeezed 's penis over the top 's clothing. These incidents took place several times over the summer months of 1987 and occurred at Township in Kandiyohi County.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

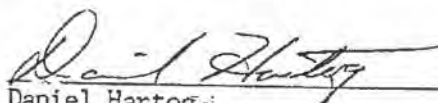
Count 1: During the summer months of 1987, at Township, in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual contact with . who was over 13 years of age but less than 16 years of age, and the Defendant was more than 48 months older than

These acts constitute the offense of Criminal Sexual Conduct in the Fourth Degree, in violation of Minn.Stat. §609.345/1(b). The maximum sentence for this offense is imprisonment for a period of five years, or payment of a fine of \$10,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

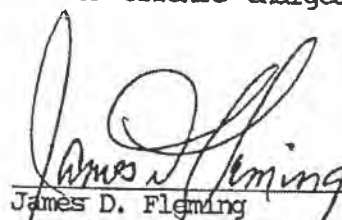
- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.


Daniel Hartog
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Complaint.

Dated: January 22, 1990


James D. Fleming
Assistant Kandiyohi County Attorney
Attorney Reg. No. 180737
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440
/j

u/203

FINDING OF PROBABLE CAUSE 34-11-5-004371

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of _____, 19 ____ at ____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 2ND day of JANUARY, 1990.

JUDICIAL OFFICER:

Name: ALLAN D. BUCHANAN

Signature:

Title: DISTRICT COURT JUDGE



Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

State of Minnesota County of KANDIYOHI DISTRICT Court

CCT Minn.St. §609.343/1(a) SECTION/Subdivision U.C. L3172 GOC N CTY. ATTY. FILE NO. CR 90-028 CONTROLLING AGENCY MN0340000 CONTROL NO. 87012283

COURT CASE NO.

DATE FILED

K5-90-168

2-21-90

Complaint

SUMMONS
WARRANT
ORDER OF DETENTION

✓if more than 6 counts (see attached) PROS: ATTY: PH: 612-231-2440

State of Minnesota

VS. PLAINTIFF,

FELONY
GROSS MISDEMEANOR

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

Duane Allen Hart

07/30/47

34-11-3-004391

DEFENDANT.

KANDIYOHI CTY

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your Complainant is informed of the following by Kandiyohi County Sheriff's Deputy Dan Hartog as follows:

In October 26, 1987, Investigator Hartog spoke with that Defendant, Duane Allen Hart (DOB: 07/30/47) had grabbed told Deputy Hartog twice. said this occurred in Kandiyohi County in April or May, 1986. in the groin area both acts occurred on the same day, while Defendant was giving said Defendant's vehicle. a ride in area, Defendant was talking about sexual matters and saying that he, Defendant, would teach about sex.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

Count 1: On or about April or May, 1986, in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual contact with a victim, namely who was under 13 years of age and the Defendant was more than 36 months older than the victim.

These acts constitute the offense of Criminal Sexual Conduct in the Second Degree, in violation of Minn.St. §609.343/1(a). The maximum sentence for this offense is imprisonment for a period of fifteen years, or payment of a fine of \$30,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.

Roger Erickson, Chief Deputy
Roger Erickson
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Complaint.

Dated: February 12, 1990

Michael Q. Lynch
Michael Q. Lynch
Kandiyohi County Attorney
Attorney Reg. No. 65596
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440
/j

u/206

FINDING OF PROBABLE CAUSE

34-11-3-004391

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of _____, 19 ____ at ____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 21st day of February, 1990.

JUDICIAL OFFICER:

Name: Arthur J. Boylan

Signature:

Title: DISTRICT COURT JUDGE

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

State of Minnesota County of KANDIYOHI DISTRICT Court

SECTION/Subdivision
Minn. St. § 609.344/1(b)

U.O.C.
15174

G.O.C.
N

CTY. ATTY.
FILE NO. 90-029

CONTROLLING CONTROL NO.
AGENCY 34000 90000805

COURT CASE NO.

DATE FILED

K3-90-167

Complaint

SUMMONS
WARRANT
ORDER OF DETENTION

✓if more than 6 counts (see attached) PROS. ATTY. PH: 612-231-2440

State of Minnesota

VS.

PLAINTIFF,

FELONY
GROSS MISDEMEANOR

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

Duane Allen Hart

07/30/47

34-11-4-004392

DEFENDANT.

KANDIYOHI CTY.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your Complainant is informed by Investigator Dan Hartog of the Kandiyohi County Sheriff's Department and Chuck Olson of the Stearns County Sheriff's Department as follows:

On January 11, 1990, told Investigator Chuck Olson of the Stearns County Sheriff's Department that the Defendant, Duane Allen Hart, had sexually abused when was approximately 8 years of age and that these acts continued until 1984 when was 14 years of age. stated that the incidents in Kandiyohi County took place at Defendant's residence near Hawick, MN. stated that when Defendant was alone with Defendant forced to suck on his (Defendant's) penis; on other occasions, Defendant sucked on s penis. stated that Defendant gave money and booze.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

Count 1: During the years 1982 to 1984, at Township, in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart, engaged in sexual penetration with a victim, namely ., who was at least 13 years of age, but less than 16 years of age, and the Defendant was more than 48 months older than the victim.

These acts constitute the offense of Criminal Sexual Conduct in the Third Degree, in violation of Minn.St.§609.344/1(b). The maximum sentence for this offense is imprisonment for a period of ten years, or payment of a fine of \$20,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.

Roger A. Erickson, Complainant
Roger Erickson
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Complaint.

Dated: February 12, 1990

Michael Q. Lynch
Michael Q. Lynch
Kandiyohi county Attorney
Attorney Reg. No. 65596
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440
/j

u/209

FINDING OF PROBABLE CAUSE

34-11-4-004392

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of _____, 19 ____ at ____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 21st day of February, 1990.

JUDICIAL OFFICER:

Name: Arthur J. Boylan Signature: 

Title: DISTRICT COURT JUDGE

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

KX-90-001470

State of Minnesota County of Stearns District Court

CCT	SECTION/Subdivision	U.O.C.	GOC	CTY. ATTY. FILE NO.	CONTROLLING AGENCY	CONTROL NO.
I	609.343, subd. 1(a), subd. 2	L2172	N	90-462	MN0730000	90000318
II	609.343, subd. 1(a), subd. 2	L2172	N	COURT CASE NO.	DATE FILED	89006407

Complaint

SUMMONS
X WARRANT
ORDER OF DETENTION

✓ If more than 6 counts (see attached) PROS. ATTY. PH: 612-259-3880

State of Minnesota

X FELONY
GROSS MISDEMEANOR

VS. PLAINTIFF,

NAME: first, middle, last

Date of Birth

SJIS COMPLAINT NUMBER

DUANE ALLEN HART

Rt. 2, Paynesville, MN 56362

DEFENDANT.

07-30-47

73-11-1-008893

STEARNS CTY

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your complainant, Ralph Boeckers, states that he is a detective with the Stearns County Sheriff's Department. Your complainant states that he has been involved in the investigation of and has reviewed various reports relating to Stearns County Sheriff's Department cases including Case No. 89006407 and other files and based thereon alleges as follows:

In January of 1990, two statements were taken from a male individual whose date of birth is whose identity is completely disclosed in various police reports and statements and who will hereafter be referred to as male juvenile "A". Male juvenile "A" stated that he is familiar with Duane Hart, who your complainant completely identified as Duane Allen Hart whose date of birth is July 30, 1947. Male juvenile "A" stated that on a number of occasions in 1987 Duane Hart had sexual contact with him by touching male juvenile "A"'s penis with his hand. He stated that these incidences occurred at the Forest McKinley house and at a fish house, both locations of which are located within the Township of Paynesville, County of Stearns, State of Minnesota. He acknowledged that during the Summer of 1987 while at the fish house that Duane Hart was successful in touching male juvenile "A"'s penis with his hand about ten or 11 times. Male juvenile "A" also stated that during this Summer time, while at the Forest McKinley residence, there were about 15 to 20 times where Duane Hart tried to touch male juvenile "A"'s penis with his hand and that he was successful in so doing on about half those occasions. Describing these various occasions he indicated that they would all generally involve Duane Hart pinning him down or holding him down so that male juvenile "A" was unable to move subsequent to which he would accomplish the touching.

Your complainant states that he has reason to believe and does believe the above information to be true and correct.

The above facts constitute your complainant's basis for believing that the above-named defendant, in 1987 at the following locations in the Township of Paynesville, County of Stearns, State of Minnesota, committed the following described offenses:

CHARGE: COUNT I - Criminal Sexual Conduct in the Second Degree
COUNT II - Criminal Sexual Conduct in the Second Degree

SECTION: COUNT I - Minn. Stat. § 609.343, subd. 1(a) and subd. 2
COUNT II - Minn. Stat. § 609.343, subd. 1(a) and subd. 2

CCT

SECTION/Subdivision

U.O.C.

GOC

PAGE 2 of 3

SJIS COMPLAINT NUMBER(S):

73-11-1-008893

MAXIMUM SENTENCE: COUNT I - 15 years and \$30,000.00
COUNT II - 15 years and \$30,000.00

DESCRIPTION

COUNT I

That the defendant, Duane Allen Hart, then and there being, in Paynesville Township (at a fish house), did wrongfully, unlawfully and feloniously engage in sexual contact with another person, to-wit: male juvenile "A", male juvenile "A" being under 13 years of age, to-wit: having a birth date of and Duane Allen Hart being more than 36 months older than male juvenile "A", to-wit: having a birth date of 07-30-47.

COUNT II

That the defendant, Duane Allen Hart, then and there being, in Paynesville Township (at the Forest McKinley residence), did wrongfully, unlawfully and feloniously engage in sexual contact with another person, to-wit: male juvenile "A", male juvenile "A" being under 13 years of age, to-wit: having a birth date of Duane Allen Hart being more than 36 months older than male juvenile "A", to-wit: having a birth date of 07-30-47.

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:

- (1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or*
- (2) detained, if already in custody, pending further proceedings;*

and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Ralph Boeckers

COMPLAINANT'S SIGNATURE:

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

May 22, 1990

PROSECUTING ATTORNEY'S SIGNATURE:

Dennis A. Plahn

PROSECUTING ATTORNEY:

NAME/TITLE:

Dennis A. Plahn, Reg. No. 87075
Assistant Stearns County Attorney

ADDRESS/TELEPHONE:

Box 443, St. Cloud, MN 56302
(612) 259-3880

FORM I-2.1

u/212

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of 19 at AM/PM before the above-named court at to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

x

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - ~~SUMMONS~~, WARRANT, ~~ORDER OF DETENTION~~ was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this day of 19

JUDICIAL OFFICER:

Name:

Signature:

Title:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

Clerk's Signature or File Stamp:

State of Minnesota

Plaintiff.

vs.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

Defendant(s)

State of Minnesota County of KANDIYOHI DISTRICT Court

CCT 1 Minn. St. §609.345/1(b) SECTION/Subdivision U.O.C. L7174 GOC N CTY. ATTY. FILER NO. 90-007 CONTROLLING AG NO. 340000 CONTROL NO. 90000803

COURT CASE NO. AMENDED K7-89-74 DATE FILED 2-20-90

Complaint

SUMMONS
WARRANT
ORDER OF DETENTION

✓if more than 6 counts (see attached)

State of Minnesota

VS. PLAINTIFF,

FELONY
GROSS MISDEMEANOR

NAME: first, middle, last

Date of Birth SJIS COMPLAINT NUMBER

Duane Allen Hart

07/30/47 34-11-5-004371

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

On January 19, 1990 at approximately 11:30 a.m., Investigator Hartog was given reports from Sgt. Nohner of the Stearns County Sheriff's Department regarding the Stearns County investigation of the Defendant, Duane Allen Hart (DOB: 07/30/47), sexually abusing young boys in the Paynesville area.

On January 16, 1990, Stearns County Investigator Steven Mund and FBI Agent Pete Cunningham interviewed and took a taped statement from a victim, [redacted] told Investigator Mund and Agent Cunningham that during the summer months of 1987 when [redacted] was 15 years old, the Defendant had unsuccessfully attempted to place his (Defendant's) hand down the front of [redacted]'s pants. However, the Defendant felt [redacted]'s groin over the top of [redacted]'s clothing and on different occasions, squeezed [redacted]'s penis over the top [redacted]'s clothing. These incidents took place several times over the summer months of 1987 and occurred at [redacted] Township in Kandiyohi County.

Based upon the above facts, the Complainant alleges that the above-named Defendant committed the offense described as follows:

Count 1: During the summer months of 1987, at
in Kandiyohi County, Minnesota, the Defendant, Duane Allen Hart,
engaged in sexual contact with . who was over 13 years of age but less
than 16 years of age, and the Defendant was more than 48 months older than

These acts constitute the offense of Criminal Sexual Conduct in the Fourth Degree, in violation of Minn.Stat. §609.345/1(b). The maximum sentence for this offense is imprisonment for a period of five years, or payment of a fine of \$10,000.00, or both.

Therefore, Complainant requests that Duane Allen Hart, Defendant above-named, subject to bail or conditions of release, be:

- 1) arrested, or that other lawful steps be taken to obtain Defendant's appearance in court; or
- 2) detained, if already in custody, pending further proceedings;

and that Defendant be dealt with according to law.

Roger A. Erickson, Chief Deputy
Roger Erickson
Complainant

Being duly authorized to prosecute the offense charged, I hereby approve this Amended Complaint.

Dated: February 12, 1990

Michael Q. Lynch
Michael Q. Lynch
Kandiyohi County Attorney
Attorney Reg. No. 65596
201 Fourth Street S.W.
Willmar, Minnesota 56201
Telephone: (612) 231-2440
/j

FINDING OF PROBABLE CAUSE

34-11-5-004371

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the
day of _____, 19 ____ at ____ AM/PM before the above-named court at
to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT**EXECUTE IN MINNESOTA ONLY**

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

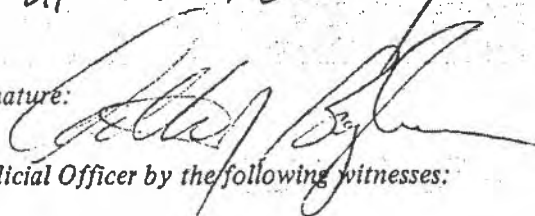
I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 21st day of February, 1990.

JUDICIAL OFFICER:

Name: Arthur J. Boylan Signature: 

Title: District Court Judge

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

KANDIYOHI

State of Minnesota

Plaintiff,

vs.

Duane Allen Hart

Defendant(s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent:

C/1994

The conservatee is not a patient in a State Hospital for the mentally ill or mentally retarded or dependent neglected ward of the Commissioner of Public Welfare or under the temporary custody of the Commissioner of Public Welfare.

7. ~~XX~~ The conservatee is in need of a conservator to protect his/~~her~~ person and estate.
8. ~~XX~~ The conservator is the most suitable and best qualified among those available and willing to discharge the trust.
- The conservator is X the duly nominated candidate(s) of the conservatee.

CONCLUSIONS OF LAW

1. The conservatee is an incapacitated person.
2. A conservator of the ~~person~~ and estate of Duane Harold Cornwell should be appointed.

Now therefore IT IS ORDERED:

1. That Gerald Frieler be and hereby is appointed conservator of the ~~person~~ and estate of Duane Harold Cornwell
2. That letters of conservatorship issue to Gerald Frieler upon the filing of a bond in the amount of \$ 1,000.00, and an oath.
3. That the conservator has the power and duty to:
 - a. Have custody of the conservatee and to establish the conservatee's place of abode within or without the State.
 - b. Provide for the conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, if appropriate, training and rehabilitation.
 - c. Take reasonable care of the conservatee's clothing, furniture, vehicles, and other personal effects.
 - d. Give any necessary consent to enable the conservatee to receive necessary medical or other professional care, counsel, treatment, or service.
 - e. Approve or withhold approval of any contract, except for necessities, which the conservatee may make or wish to make.
 - f. Pay the reasonable charges for the support, maintenance, and education of the conservatee in a manner suitable to the conservatee's station in life and the value of his/her estate.
 - g. Pay out of the conservatee's estate all just and lawful debts of the conservatee and the reasonable charges for the support, maintenance, and education of the spouse and dependent children of the conservatee.
 - h. Possess and manage the estate, collect all debts and claims in favor of the conservatee, or with the approval of the Court, compromise them, institute suit on behalf of the conservatee and represent the conservatee in court proceedings, and invest pursuant to M.S. 48.84 and 501.125 Subd. 1 all funds not currently needed for debts and charges and management of the estate.
4. That the conservatee retains the right to vote.

BY THE COURT:

Judge

Dated March 12th, 1990

(COURT SEAL)

STATE OF MINNESOTA
COUNTY OF STEARNS

I, Susan G. Wegman Court Administrator in and for said County and State aforesaid, do hereby certify that the above is a true and correct copy of the original on file and of record in this office.

Dated this 27th day of March, 1990
Susan G. Wegman, Court Administrator
By: Leah Stearns Clerk

Filed

Court Administrator

8670

C/1995

MAR 1 1990

STATE OF MINNESOTA

COUNTY OF STEARNS

DISTRICT PROBATE COURT
COUNTY COURT PROBATE DIVISION

In Re: Conservatorship of

Court File No. P4-90-7

Duane Harold Cornwell

Conservatee

LETTERS OF
GENERAL CONSERVATORSHIP

Gerald Frieler

having been appointed and having qualified, is _____ hereby authorized to act as general conservator _____ of the
~~person~~ and estate of the above named conservatee with the powers and authority prescribed by statute as shown
 on the order appointing general conservator, the terms which order are incorporated herein by reference.

In Testimony Whereof the Hon. Steven P. Ruble Judge
 of District Court, has set his ~~own~~ hand and affixed the seal of
 Said Court this 12th day of March, 19 90.

(COURT SEAL)

Judge

Filed this 12th day of March, 19 90
 Susan G. Wegman
 Court Administrator
 Stearns County, MN
 By: [Signature] Deputy

PRESENT ADDRESS AND
TELEPHONE NUMBER OF CONSERVATEE

Duane Harold Cornwell
 9514 Crestview Drive
 St. Joseph, MN 56374
 612/363-4589

PRESENT ADDRESS AND
TELEPHONE NUMBER OF CONSERVATOR

Gerald Frieler
 23 West Minnesota Street
 St. Joseph, MN 56374
 612/363-4589

STATE OF MINNESOTA
COUNTY OF STEARNS 53

I Susan G. Wegman, Court Administrator in and for said
 County and State aforesaid, do hereby certify that the
 above is a true and correct copy of the original Letters
 on file and of record in this office and are in full force
 and effect on this date.

Dated this 12th day of March, 19 90
 Susan G. Wegman, Court Administrator
 By: [Signature] Deputy

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C/1996

STATE OF MINNESOTA

COUNTY OF STEARNS

DISTRICT ~~PROBATE~~ COURT
~~COUNTY COURT~~ PROBATE DIVISION

Court File No. P4-90-7

In Re: Conservatorship of
Duane Harold Cornwell

Conservatee

ORDER APPOINTING
GENERAL CONSERVATOR OF
THE PERSON AND ESTATE

This matter came duly on for hearing before the above named Court on March 12th, 1990, on the petition of Duane Harold Cornwell seeking appointment of a conservator for Duane Harold Cornwell the above named conservatee. Petitioner appeared personally and by and through his/her attorney, William F. Wielinski, 15 North 8th Avenue, St. Cloud, MN 56303, Esq. The above named conservatee appeared personally and by and through his/her attorney, William F. Wielinski, 15 North 8th Avenue, St. Cloud, MN 56303, Esq. The Court having considered the evidence and being fully advised in the premises now makes the following:

Filed this 12th day of March, 1990.
Court Clerk
By K. K. K. K. Deputy

FINDINGS OF FACT

~~XXXXXX FOR THE COURT TO APPOINTED AS A CONSERVATOR OF THE PERSON AND ESTATE OF THE ABOVE NAMED CONSERVATEE. THE COURT HAS CONSIDERED THE EVIDENCE AND BEING FULLY ADVISED IN THE PREMISES NOW MAKES THE FOLLOWING:~~

3. ~~X3~~. The conservatee lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/~~her~~ person and estate or financial decisions.
4. ~~X3~~. The conservatee has demonstrated behavioral deficits evidencing inability to meet his/~~her~~ needs for medical care, nutrition, clothing, safety, or shelter, and to manage his/~~her~~ estate.
5. ~~X4~~. The conservatee has property which will be dissipated without proper management. (Funds are needed for the care, support, and welfare of the conservatee and/or those entitled to the support of the conservatee.)
6. ~~X3~~. No appropriate alternative to conservatorship exists which is less restrictive of the conservatee's civil rights and liberties, including a protective arrangement under M.S. 525.54 Subd. 7.
7. ~~X3~~. The conservatee is incapable of exercising the following rights and powers:
 - a. To establish his/~~her~~ place of abode.
 - b. To determine his/~~her~~ food, clothing, shelter, health care, social and recreational requirements, and training, educational and rehabilitation requirements.
 - c. To dispose of his/~~her~~ clothing, personal effects, vehicles, furniture or other property.
 - d. To consent to necessary medical or other professional care, counseling, treatment, or service.
 - e. To approve or withhold approval of any contract, except for necessities which the conservatee may make or wish to make.
 - f. To pay reasonable charges for the support, maintenance and education of the conservatee.
 - g. To pay any debts of the conservatee and the reasonable charges for the support, maintenance and education of the conservatee's spouse and dependent children.
 - h. To possess and manage his/~~her~~ estate, collect all debts and claims in his/~~her~~ favor or compromise them, to invest all funds not needed for current debts and charges, and to represent himself/herself in court proceedings or institute suit.

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER AUTHORIZING THE)
INSTALLATION AND USE OF)
TRAP AND TRACE DEVICES)

90-18092c

APPLICATION

Thorwald H. Anderson, Jr., an attorney of the United States Department of Justice, hereby applies to the Court for an order for sixty (60) days authorizing the installation and use of trap and trace devices on telephone numbers (612) 259-3981, (612) 363-4479, (612) 363-4573, (612) 685-4367 and (612) 363-0470. In support of this application the following is stated:

Applicant is an "attorney for the Government" as defined in Rule 54(c) of the Federal Rules of Criminal Procedure and, therefore, pursuant to Section 3122 of Title 18, United States Code, may apply for an order authorizing the installation and use of trap and trace devices.

Telephone number (612) 259-3951 is listed to Stearns County Designated Government Offices, 807 Courthouse Square, St. Cloud, Minnesota. Telephone number (612) 363-4479 is listed to Dr. Jerry L. Wetterling, Rural Route 2, Forest Manor, St. Joseph, Minnesota. Telephone number (612) 363-4573 is listed to Dr. Jerry L. Wetterling, 103 North College Avenue, St. Joseph,

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Minnesota.

Telephone number (612) 363-0470 is listed to Friends of Jacob, 32 NW 1st Avenue, St. Joseph, Minnesota.

Applicant certifies that the Federal Bureau of Investigation is conducting a criminal investigation of possible violation of Title 18, United States Code, Section 1201; Kidnapping. It is believed that the subject of the investigation is using the above telephone numbers in furtherance of the subject offenses; and that the information likely to be obtained from the trap and trace devices is relevant to the ongoing criminal investigation in that it is believed that this information will concern the aforementioned offenses.

Applicant requests that the Court issue an order authorizing the installation and use of trap and trace devices to capture the incoming electronic or other impulses which identify the originating number of a wire or electronic communication and the date, time, and duration of such incoming impulses for a period of sixty (60) days.

The Applicant further requests that the order direct the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the trap and trace devices including installation and operation of the

devices unobtrusively and with minimum of disruption of normal telephone services. American Telephone and Telegraph and U.S. West Communications shall be compensated by the Federal Bureau of Investigation for reasonable expenses incurred in providing such facilities and technical assistance.

The Applicant further requests that the order direct that the results of the trap and trace devices shall be furnished to Agents of the Federal Bureau of Investigation at reasonable requested intervals during regular business hours for the duration of the order.

The Applicant further requests that the Court order direct American Telephone and Telegraph and U.S. West Communications, its agents and employees, not to disclose to the subscribers or any other person the existence of this order or of this investigation unless otherwise ordered by the Court.

The Applicant further requests that the court order be limited to Electronic Switching System (ESS) or No. 5 cross-bar switching facilities; and

WHEREFORE, it is respectfully requested that the Court grant an order for sixty (60) days (1) authorizing the installation and use of trap and trace devices to identify incoming calls on the above telephone numbers, (2) directing

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American Telephone and Telegraph and U.S. West Communications to forthwith furnish Agents of the Federal Bureau of Investigation with all information, facilities, and technical assistance necessary to accomplish the installation of the trap and trace devices, including installation and operation of the devices unobtrusively and with minimum interference to the service presently accorded the persons whose telephones are to be the subject of the devices; and (3) sealing the application and the Court's order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 11, 1990

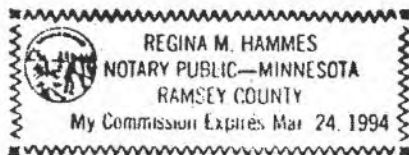
Thomson
APPLICANT

SUBSCRIBED and SWORN to before me this

11th day of December, 1990

Regina M. Hammes

NOTARY PUBLIC



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Telephone number (612) 363-0470 is listed to Friends of Jacob, 32 NW 1st Avenue, St. Joseph, Minnesota.

IT APPEARING that the trap and trace devices installed on the above telephone numbers to be relevant to an ongoing criminal investigation of the specified offenses:

IT IS ORDERED, pursuant to Title 18, United States Code, Section 3123, that Agents of the Federal Bureau of Investigation may direct American Telephone and Telegraph and U.S. West Communications to install trap and trace devices on the above telephone numbers to capture the incoming electronic impulses which identify the originating number of a wire or electronic communication and the date, time, and duration of such incoming impulses for a period of sixty (60) days from the date of this order; and

IT IS FURTHER ORDERED, pursuant to Title 18, United States Code, Section 3123(b)(2), that American Telephone and Telegraph and U.S. West Communications shall furnish Agents of the Federal Bureau of Investigation forthwith all information, facilities, and technical assistance necessary to install the trap and trace devices unobtrusively and with minimum interference to the services that are accorded persons whose telephones are to be the subject of the devices.

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER AUTHORIZING THE)
INSTALLATION AND USE OF)
TRAP AND TRACE DEVICES)

90-1809cc

ORDER

This matter having come before the Court pursuant to an application under Title 18, United States Code, Section 3122, by Thorwald H. Anderson, Jr., an "attorney for the Government", which application requests an order under Title 18, United States Code, Section 3123, authorizing the installation and use of trap and trace devices on telephone numbers ;
4479; (612) 363-4573; and (612) 363-0470. The Court finds that the Applicant has certified that the information likely to be obtained by such installation and use to be relevant to an ongoing criminal investigation into possible violations of Title 18, United States Code, Section 1201; Kidnapping.

Telephone number (612) 363-4479 is listed to Dr. Jerry L. Wetterling, Rural Route 2, Forest Manor, St. Joseph. Telephone number (612) 259-3981 is listed to Stearns County Designated Government Offices, 807 Courthouse Square, St. Cloud, Minnesota. Telephone number (612) 363-4573 is listed to Dr. Jerry L. Wetterling, 103 North College Avenue, St. Joseph, Minnesota. Telephone number ' is listed to

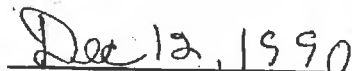
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IT IS FURTHER ORDERED, that the results of the trap and trace devices be furnished to the Federal Bureau of Investigation at reasonable requested intervals during regular business hours for the duration of the order.

IT IS FURTHER ORDERED that the tracing operation shall be limited to Electronic Switching System (ESS) or No. 5 cross-bar switching facilities; and

IT IS FURTHER ORDERED, pursuant to Title 18, United States Code, Section 3123(d), that this order and the application be sealed until otherwise ordered by the Court, and that American Telephone and Telegraph and U.S. West Communications shall not disclose the existence of the trap and trace devices or the existence of the investigation to the listed subscribers, or to any other person, unless or until otherwise ordered by the Court.


UNITED STATES MAGISTRATE


DATE

STATE OF MINNESOTA, COUNTY OF OTTER TAIL DISTRICT _____ COURT _____STATE OF MINNESOTA)
COUNTY OF OTTER TAIL) SS.APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Dennis Sigafos being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Items of women's clothing worn by Roy Ketchum on October 22, 1989, including a black skirt, black blazer, white blouse, black pumps, nylons, pantyhose, a gray wig, a girdle and a bra.
 2. Items of boy's clothing worn by Jacob Wetterling on October 22, 1989, including a red jacket with police emblem and "Jacob" on the front; an orange vest with silver trim; blue sweatpants; blue mesh jersey; red T-shirt with #11 and "Wetterling" on back; Nike high-top tennis shoes, white and gray in color; white socks and white briefs.
 3. A notebook or calendar of personal diary information maintained by Roy Ketchum for October of 1989.
 4. Fingerprints of Roy Ketchum.
 5. Photographs of Roy Ketchum.
- (continued on next page)

COPY

(are) (~~XXXX~~)

(at the premises) (in the motor vehicle) (on the person) described as:

Roy Douglas Ketcham, born January 7, 1934.

A 1977 Ford pickup truck, bearing Minnesota License No. 600 FJM, white and green in color and bearing V.I.N. #F25SP020203 and a white pickup camper.

The residence of Roy Douglas Ketcham including the dwelling and all appurtenant structures located on the southeast quarter of Section 16,

located in the Township of Girard, County of Otter Tail, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. ~~The property above described was stolen or embezzled.~~
2. The property above described was used as means of committing a crime.
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

6. Black boots and black gloves.
7. Any photographs of Jacob Wetterling or other young boys.
8. Any collection of newspaper and other reports relating to the abduction of Jacob Wetterling.
9. Hair, blood, fiber and trace samples from inside the camper truck described above.
10. Items of personal identification, so as to establish ownership or possession of the premises and camper truck, including personal mail, photographs, etcetera.

G/W R/T

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Affiant, Dennis Sigafoos, having been duly sworn upon oath, states as follows:

Affiant is a Special Agent with the Minnesota Bureau of Criminal Apprehension, who has been assigned to investigate the disappearance of Jacob Wetterling. On Sunday evening, October 22, 1989, Jacob Wetterling was with his 10 year old brother and an 11 year old friend returning from the Tom Thumb Convenience Store with a videotape. This area is isolated and located on 91st Avenue in St. Joseph, Minnesota. At approximately 9:15 p.m. on October 22, 1989, the three boys were confronted by a male dressed in dark clothing. The man's face was covered with what was believed to be black pantyhose. One boy thought he had observed legs of the hose hanging around the suspect's neck. The man was carrying a revolver in his right hand which the boys believed was shiny. The man was described as approximately 5'9", medium build, wearing a "puffy" dark jacket. The boys were ordered to put down their bikes and scooter and lay on the ground. The man asked the boys their ages, including Wetterling who was age 11. He then grabbed the other 11 year old boy and told him to leave as well as the 10 year old. He ordered them to run or he would shoot. A short distance later they turned and saw the man pulling Jacob away by the arm. The boys said that the man was wearing black boots and black gloves. They also described his voice as being rough.

During follow-up investigation, witnesses at the Tom Thumb Store recalled seeing a man in his 50's with gray hair at the store. He had a receding hairline, was approximately 5'10" tall, of medium build. This individual has not yet been positively identified. This man was seen at the store at the same time that the boys had been in the store.

At the scene where the boys were abducted, investigators found partial tire impressions, some shoe impressions and a potato chip bag with a fingerprint on it.

The Wetterling task force was advised by the Melrose Police Department that on October 21, 1989, they had received a call from the Petro Plus Store that there had been a suspicious male stop in at approximately 1:15 a.m. The man had been dressed up like a woman, wearing cat type glasses, false breasts, a denim skirt, gray haired wig and lots of makeup. The man had been stopped by the police that night and identified as Roy Douglas Ketchum. Officers had spoken with the clerk at the Petro Plus Store who said that Ketchum had been in the store on previous occasions. Ketchum also told the clerk that he had picked up a male hitchhiker and that he and the male hitchhiker had had sex six times during the evening in various locations, rest area, truck stops and other places. Ketchum told the clerk how much he enjoys having sex with males. Ketchum showed that in his purse there were several condoms and some type of lubrication lotion. Ketchum stated that he was just returning to his home in Moorhead after having been in Madison, Wisconsin. At the time, Ketchum was driving a 1977 Ford pickup with a camper topper on it with Minnesota registration MVY 835.

Based upon the information from the Melrose Police Department, members of the Wetterling task force interviewed Ketchum on October 29, 1989. Ketchum stated that he had left his residence near Clitherall, Minnesota at approximately 6:00 p.m. He had stopped along the road and changed into women's clothing. Between 8:00 and 9:30 to 10:00 p.m. he claimed to have been sleeping in a rest area off of Interstate 94 near St. Joseph, Minnesota. Sometime between 9:30 and 10:00, he awoke and left the freeway area. He then drove past the convenience store in St. Joseph where Jacob and the other boys had obtained the videotape. He said

(continued on page 1-3)

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that he did not stop on the highway and proceeded through St. Cloud on his way to Minneapolis. Ketchum admits that he always dresses like a female when he travels, and that he carries a handgun in his camper. Ketchum stated that the reason that he left the freeway was that driving on the freeway bothers his eyes, so that he took an alternate route down Highway 10.

Upon reviewing the files in this matter, affiant determined to make further inquiry into Roy Douglas Ketchum. On January 17, 1991, affiant went to Jill's Grocery Store in Nelson, Minnesota where he spoke with two clerks. Both clerks stated that a Caucasian male adult, age 50, approximate average height and build, had on numerous occasions entered the store dressed in women's clothing complete with makeup and false breasts. This individual usually came into the store in the evening hours on Sundays. He was telling the clerk on duty that he enjoyed having sex with young men and on one occasion indicating he had picked up a young hitchhiker and had sex with him on numerous occasions. On one evening, this individual showed the clerk a vibrator and purchased batteries for this vibrator telling the clerk that the vibrator was a woman's best friend. Both clerks indicated that this individual had also come into the store on other occasions when he was not dressed in woman's apparel and described him as a Caucasian male adult in his 50's with gray receding hair being of medium height and build. They indicated that he drove a late 70's model Ford pickup truck, white and green in color, with a white camper on top. The clerks indicated that the individual would park this vehicle to the side of the store and only enter the store after most of the customers had left, and the clerk would be alone at the time. The clerks indicated that this man was reported to the Douglas County Sheriff's Department after they had obtained a license plate number from his vehicle. They indicated that the last known time he had been in the store dressed as a woman would have been in October of 1989.

The clerks' description of the suspect and the vehicle fit the description of Roy Douglas Ketchum and his 1977 Ford pickup truck with a white camper that he currently drives.

On January 17, 1991, affiant and Otter Tail County Investigator Richard Tacke went to the Roy Douglas Ketchum residence located near Clitherall, Minnesota. At this time, investigators identified themselves and requested that Mr. Ketchum once again go over with them the incidents occurring on October 22, 1989. During this interview, Ketchum indicated that on October 22, 1989, he left his house at approximately 5:30 p.m. and had gone to the Marvin Pearson farm south of Henning, Minnesota to feed some of his cattle which he had at that location. He stated he believes he left there at approximately 6:30 p.m. and drove into Parkers Prairie, Minnesota, where he changed into woman's apparel. He indicated he then drove to Nelson, Minnesota and entered onto Highway 94 at the Osakis entrance. He stated from there he drove his 1977 green and white Ford pickup truck with the white camper on it to a rest stop known as the Spunk Lake Rest Stop located near St. Joseph, Minnesota. He indicated he had arrived there at approximately 8:00 p.m. Ketchum states that he fell asleep in his camper at that location and woke up at approximately 9:30 p.m. and then drove Highway 94 to the Rosemont, Minnesota area.

Investigators then informed Ketchum that on October 29, 1989, he had told an FBI investigator that he had left the freeway at St. Joseph and driven past the Tom Thumb Store where the boys had been last seen and had proceeded through St. Cloud to Highway 10, taking 10 into the Cities. At this time, Ketchum indicated that that had refreshed his memory and that he had left 94 and driven past the Tom Thumb Store in St. Joseph.

Ketchum indicated that he had changed into woman's apparel at Parkers Prairie, Minnesota, and had put on a black skirt, black blazer, white blouse, black pumps, nylons, pantyhose, a gray wig, a girdle and a bra. Ketchum further indicated that he put on complete eye makeup and lipstick.

Ketchum further indicated that on October 22, 1989, in his pickup camper he had a loaded Colt 357 revolver. He further indicated that he still has possession of that revolver in the camper. Ketchum further indicated that the clothing he wore on that occasion is still contained within his 1977 Ford camper. He also indicated that on numerous occasions, being at least three times, he has been in the Tom Thumb Store located in St. Joseph, Minnesota. He indicated he had not stopped at that location on October 22, 1989. Ketchum indicated that on the 22nd of October that he was at that time employed by Carl Bolander and Sons and was to be at a work site on October 23, 1989, in the a.m. hours near Rosemont, Minnesota. Ketchum stated that he had left 94 and gone over through St. Cloud to Highway 10 as that was the route to work. It was pointed out to Ketchum that 94 was a more direct route, and he could not account for the deviation in his travel pattern.

During the interview, Ketchum indicated that he has been dressing as a woman since age 11 and that to his knowledge no one else knew about his habits as such. He indicated that he has in the past purchased vibrators, dildos and a butt plug which are currently contained in the pickup camper on his 1977 Ford truck. He also indicated other women's clothing, including nylon pantyhose, are also contained in the camper on this truck.

Ketchum admitted to investigators that he has on occasions gone to the St. Cloud adult book store, and at that location has looked at movies and on one occasion stated he had met a male at that location and gave him a ride to another location. Ketchum further admitted that on one occasion he had gone to the Har-Mar Mall movie house while dressed as a woman. While watching the movie, he allowed a male to visually look at his legs and subsequently let this male approach him and touch his thighs. Ketchum denied having any homosexual contacts with males but could not account for his activities and discussions with people about having sex with young males.

Ketchum was asked if he had been working on October 23, 1989, at which time he produced a notebook from his person and indicated that he had worked nine and a half hours on that date being in Rosemont, Minnesota, where he is a heavy equipment operator.

Ketchum was asked if he had been into the Nelson Jill's Gas and Grocery Store on occasions dressed as a woman, and he admitted that he had in fact been into that location and further admitted that he produced a vibrator and indicated to the clerk that he needed batteries for it and that a vibrator was a woman's best friend. Ketchum once again indicated that these incidents occurred in October

and September of 1989, and that at the time he had been driving his 1977 Ford complete with camper topper. Ketchum further indicated that he had been in a gas station located near Melrose, Minnesota and had been stopped by law enforcement at that location wearing women's clothing and driving his 1977 Ford pickup truck with camper. Ketchum also admitted to entering the Food and Fuel Store in Alexandria and the Glenville Grill located near Inver Grove Heights, Minnesota, while dressed as a woman.

During further questioning, Ketchum indicated that he had been in the Tom Thumb Store at St. Joseph on three other occasions and entered the store to obtain gas or cigarettes and indicated that he was familiar with the area that lies between the Tom Thumb Store and the freeway, and was familiar with the roadway where the kidnapping had occurred.

On January 17, 1991, Mr. Ketchum consented to allowing investigators to view his 1977 Ford pickup truck containing the white camper. Mr. Ketchum indicated that this vehicle was currently in a storage shed located on his property and escorted investigators to that location. It should be noted that this vehicle now is bearing Minnesota license for the year 1991, 600 FJM. Ketchum indicated that this was the vehicle which he had been driving on October 22, 1989, when he drove by the Tom Thumb Store in St. Joseph, Minnesota. Ketchum consented to providing investigators with several photographs of himself dressed in woman's apparel and entered the camper portion of this pickup camper combination to obtain these pictures. At that location, Ketchum took from an envelope several photographs, two of which depicted him dressed in woman's apparel. Ketchum then produced from this camper a Colt 357 revolver and briefly allowed affiant to view it. Ketchum then placed the revolver back into the camper portion of this vehicle. Affiant could observe items of women's apparel in a closet with the door opened within the camper. Ketchum declined to allow investigators to look within his camper.

On January 18, 1991, affiant was informed by Special Agent John Herman of the Minnesota Bureau of Criminal Apprehension that Herman had verified that Roy Ketchum had been employed by Carl Bolander and Sons during October of 1989. Work records indicated that on October 23 of 1989, Ketchum worked from 7:00 a.m. until 4:00 p.m. He was working at a site called The Farm located near Rosemont, Minnesota. It was verified that he drives a late 70's Ford pickup truck with a camper being green and white in color and always stayed on the job site sleeping in the camper.

Affiant checked a Minnesota highway map and determined that Interstate Highway 94 is a more direct route to Ketchum's work site than going Highway 75 through the City of St. Cloud and subsequently taking Highway 10 into the city area.

On January 22, 1991, affiant interviewed a waitress who was employed at the Glenville Grill located at 6370 E. Concord, Inver Grove Heights, Minnesota, which is located approximately one mile south of Highway 494. The waitress recalled that a Caucasian male adult fitting the description of Roy Ketchum had been in the Glenville Grill on numerous occasions approximately nine months or longer ago and that on some occasions this individual was dressed in female apparel. The waitress further indicated that the man would always drive up in an older model Ford pickup truck, green and white in color, with a white camper on top. She indicated that this individual usually came into the Glenville Grill at approximately 4:00 a.m. in the morning hours, and that on some occasions the individual was dressed in male clothing but had on female makeup and earrings.

The items which Ketchum has acknowledged having in his possession include the black women's clothing and pantyhose which he wore on the evening of October 22, 1989, when he admits having been in St. Joseph, Minnesota. Although, Ketchum informed affiant that the items were located in his camper truck, he was aware that affiant desired to search the camper. It is reasonable to believe that such clothing items and any other evidence would be brought by Ketchum into his residence. Ketchum also informed affiant that he owns a second handgun, which he described as a 32 caliber Colt automatic, which is kept in the residence. This weapon is also consistent with the description of the handgun held by the abductor of Jacob Wetterling given by his two companions.

Affiant believes that the circumstances described above provide probable cause to search the person of Roy Ketchum, his camper truck and his residence for specific items of evidence related to the abduction of Jacob Wetterling. From his 23 years of experience as a law enforcement officer, with extensive training in the investigation of violent crimes against persons, affiant believes that the homosexual and transvestite behavior of Ketchum, combined with the examples of his aggressive behavior in two convenience stores located near Interstate 94, lead to a conclusion that Ketchum is capable of aggressive behavior toward male victims. The fact that he was stopping in convenience stores along Interstate 94 around the date of the abduction, the fact that he has acknowledged that he was in St. Joseph, Minnesota, at the approximate time of the abduction of Jacob Wetterling, with a handgun, black pantyhose and black clothing in his possession, that he claimed to have spent approximately two hours sleeping in his camper at a wayside rest just before this period, and the fact that he has made several inconsistent statements regarding his activity that night, all lead affiant to believe that Roy Ketchum abducted Jacob Wetterling and transported him in the camper truck described above. Since Jacob was a young and active boy, it is expected that he struggled with Ketchum inside the camper and, as a result, small items of trace evidence from Jacob's body or his clothing will likely be located in the camper. In order to facilitate the search for such microscopic evidence, affiant seeks authority to seize the truck and tow it to a warm and secure law enforcement facility for detailed laboratory analysis. That analysis will be completed within a reasonable time and the vehicle returned to Ketchum, unless it is held for evidentiary purposes.

STATE OF MINNESOTA, COUNTY OF OTTER TAIL

DISTRICT

6/5/89
COURT

STATE OF MINNESOTA)
COUNTY OF OTTER TAIL)

SS.

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Dennis Sigafos

being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Items of women's clothing worn by Roy Ketchum on October 22, 1989, including a black skirt, black blazer, white blouse, black pumps, nylons, pantyhose, a gray wig, a girdle and a bra.
2. Items of boy's clothing worn by Jacob Wetterling on October 22, 1989, including a red jacket with police emblem and "Jacob" on the front; an orange vest with silver trim; blue sweatpants; blue mesh jersey; red T-shirt with #11 and "Wetterling" on back; Nike high-top tennis shoes, white and gray in color; white socks and white briefs.
3. A notebook or calendar of personal diary information maintained by Roy Ketchum for October of 1989.
4. Fingerprints of Roy Ketchum.
5. Photographs of Roy Ketchum.

(continued on next page)

COPY

(are) (XXXX)

(at the premises) (in the motor vehicle) (on the person) described as:

Roy Douglas Ketcham, born January 7, 1934.

A 1977 Ford pickup truck, bearing Minnesota License No. 600 FJM, white and green in color and bearing V.I.N. #F25SP020203 and a white pickup camper.

The residence of Roy Douglas Ketcham including the dwelling and all appurtenant structures located on the southeast quarter of Section 16,

located in the Township of Girard, County of Otter Tail, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. ~~The property above described was stolen or embezzled.~~
2. The property above described was used as means of committing a crime.
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

6. Black boots and black gloves.
7. Any photographs of Jacob Wetterling or other young boys.
8. Any collection of newspaper and other reports relating to the abduction of Jacob Wetterling.
9. Hair, blood, fiber and trace samples from inside the camper truck described above.
10. Items of personal identification, so as to establish ownership or possession of the premises and camper truck, including personal mail, photographs, etcetera.

B/507

JAN 24, 1991

(date)

Rt 3 Bx 168

Battle Lake

(location)

I, Rosalie Ketcham, having been informed of my constitutional rights not to have a search made of the premises hereinafter mentioned without a search warrant and of my right to refuse to consent to such a search, hereby authorize

Bca Agent Dennis Fier, FBI Agent AL CATALLO AND
(name of officers or agents)

Other Agents AND Officers under their Control

to conduct a complete search of my ^{vehicles} premises located at Rt 3 Bx 168, 1678

Ford Pickup Lic #465 EWG and 1970 Chrysler New Yorker Lic #CHZ997

These officers or agents are authorized by me to take from my premises any letters, papers, materials, or other property which they may desire.

This written permission is being given by me to the above-named persons voluntarily and without threats or promises or any kind.

Witnesses: [Signature]
Albert L Catallo SA, FBI

EVIDENCE RECEIPT

The following items were seized pursuant to the above Consent to Search:

Item NR	Quantity	Name of Person from whom property is obtained	Purpose for which obtained
Description of Articles			
<u>N/A</u>		<u>Nothing</u> <u>(PW)</u>	

I Certify That I Have Received And Hold Myself Responsible For The Articles

Date _____ Signature _____

Signature of person signing consent

2

B/508

OUT
Bldg

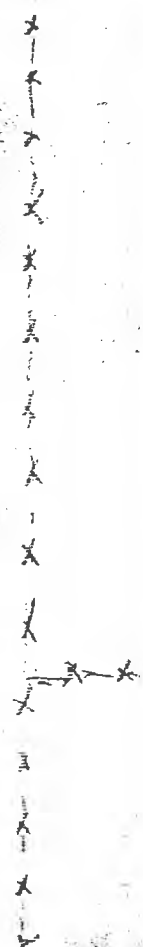
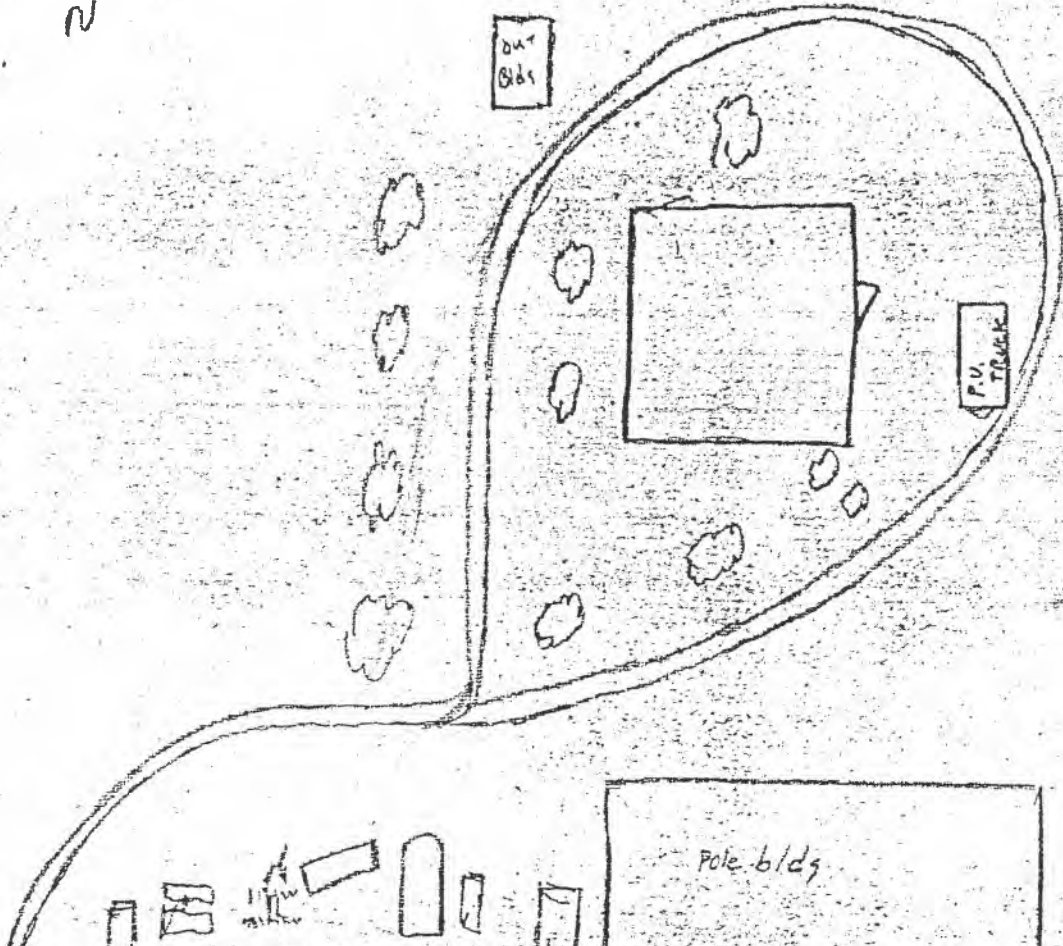
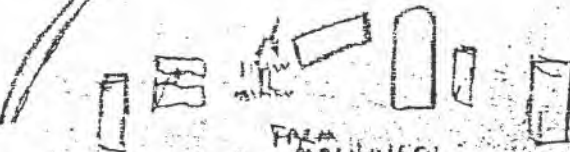
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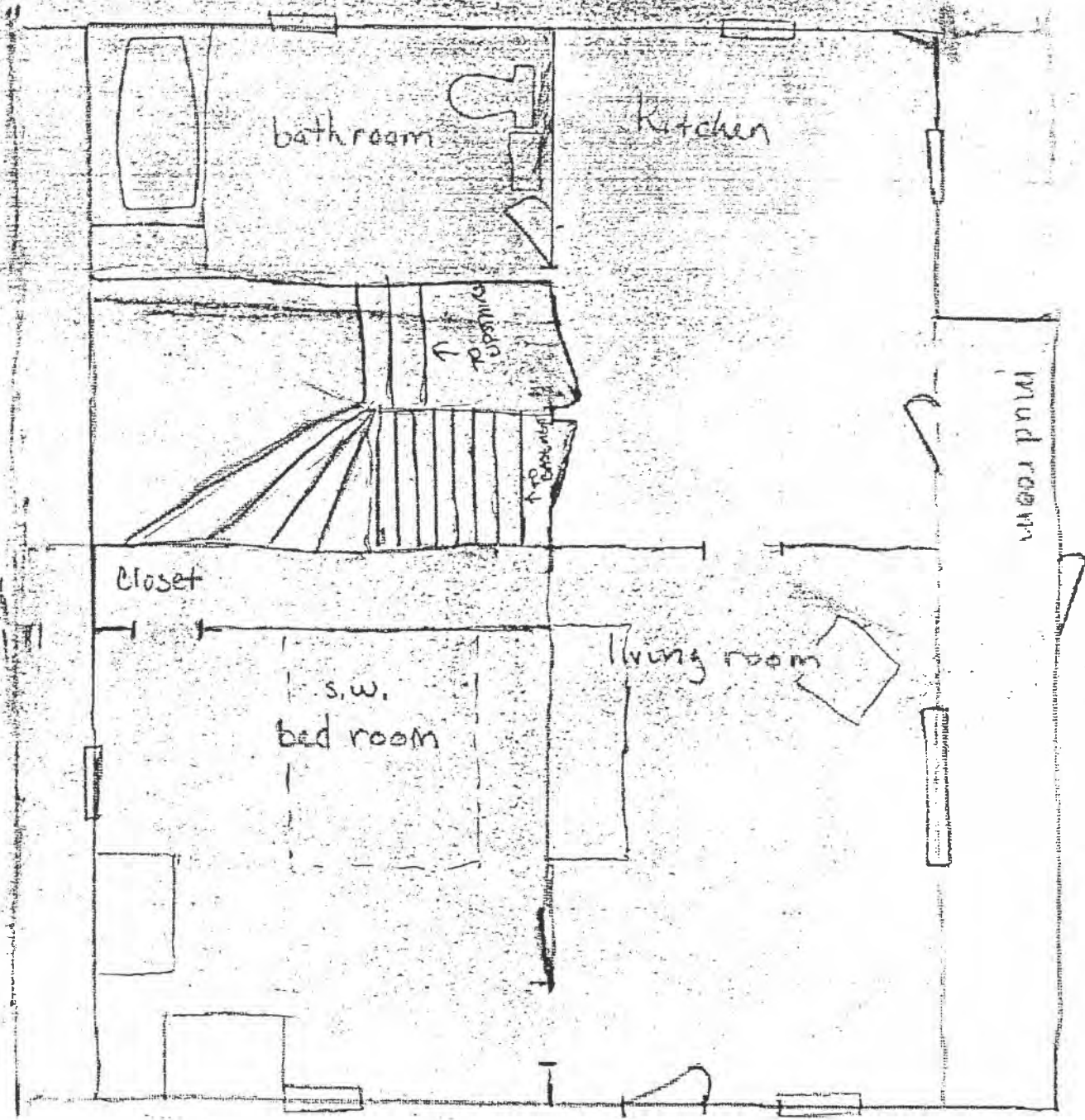
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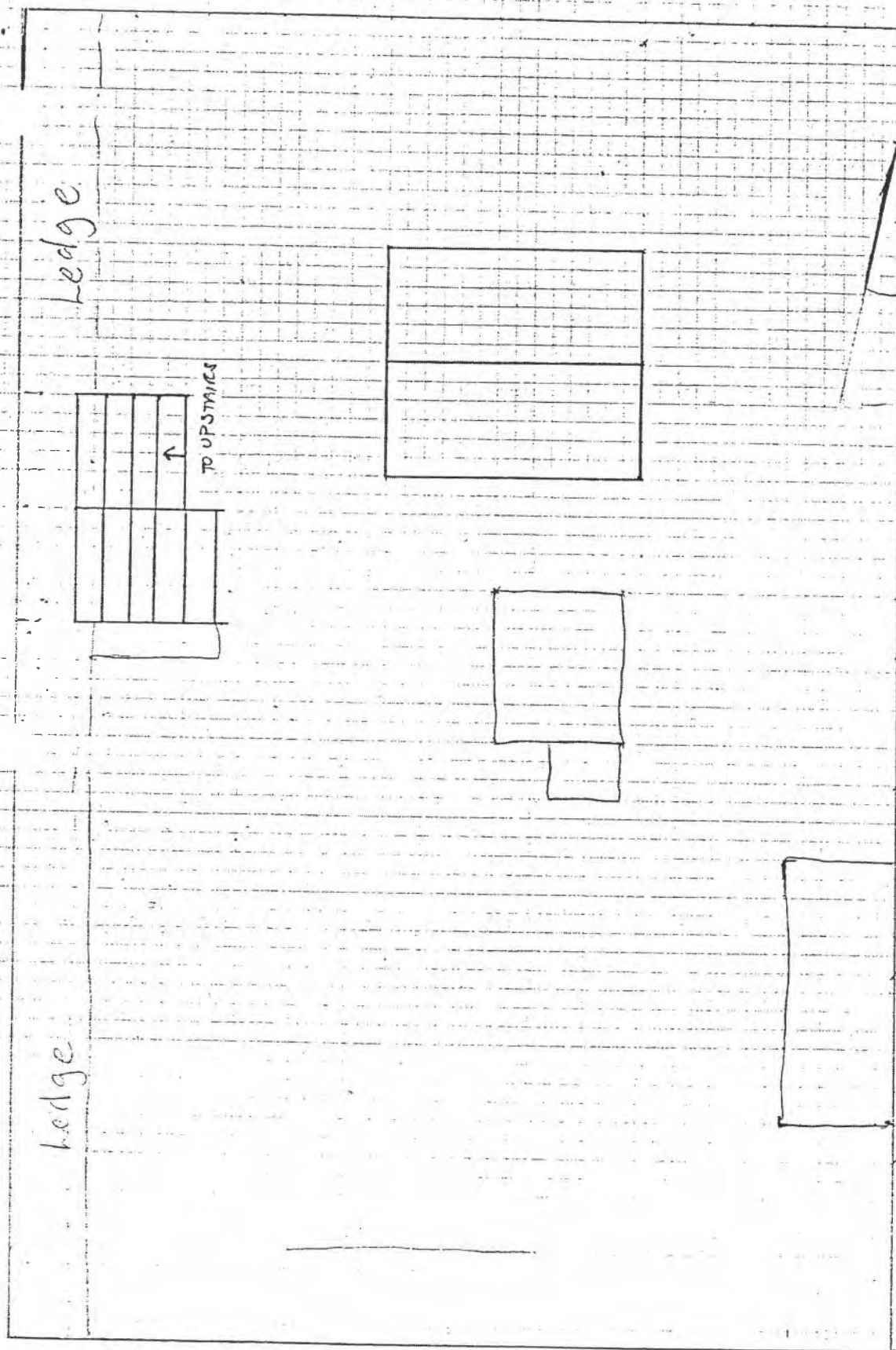
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N B/SIO

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1-24-91



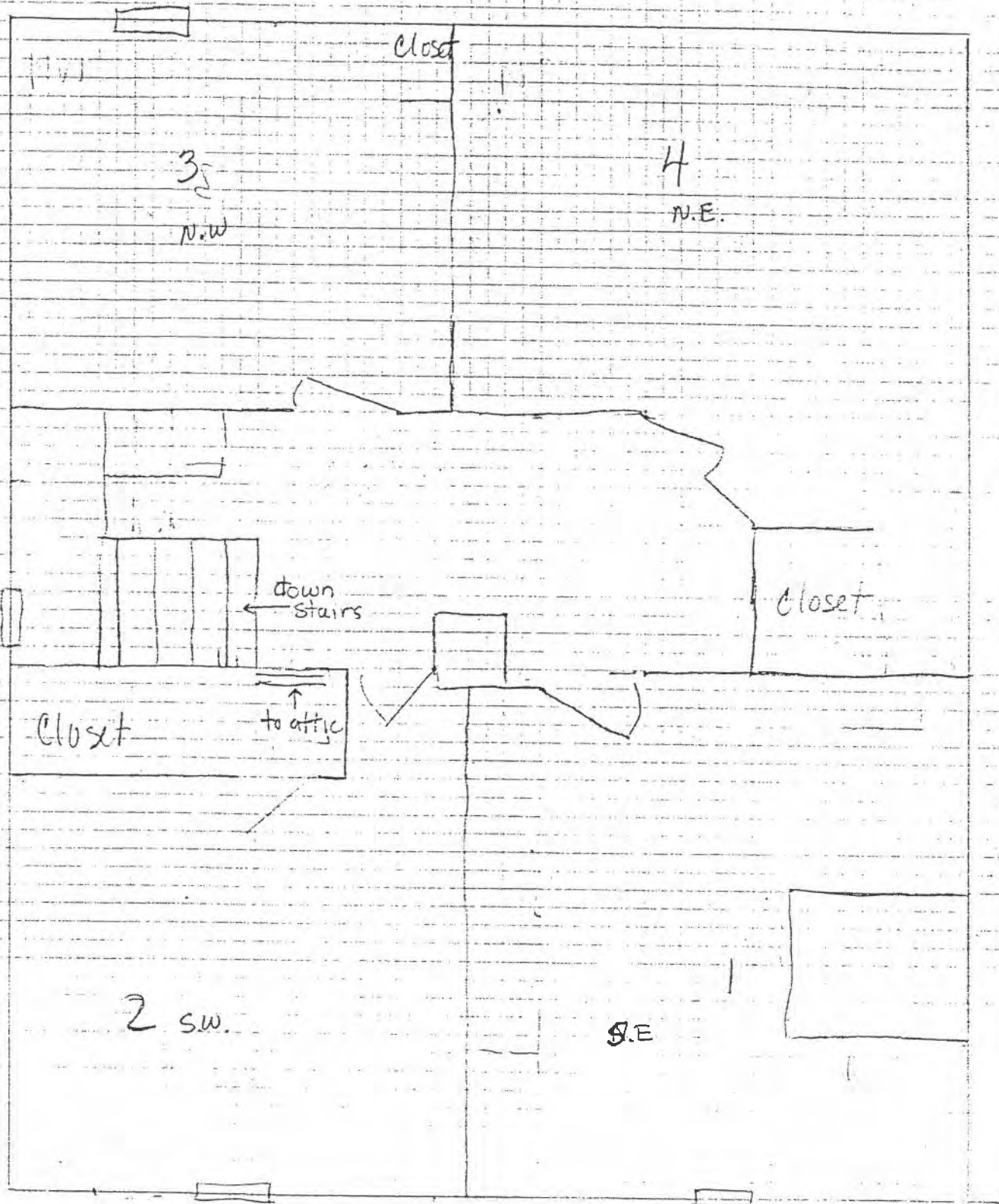
base ment

INT

upstairs

890-1649

B/511



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4/19

That on October 22, 1989, Jacob Wetterling, age 11, was abducted by a masked gunman on 91st Avenue at approximately 9:15 P.M. That this act was witnessed by Jacob Wetterling's and Jacob Wetterling's friend That an investigation was started at that time and date and the investigation is ongoing and Jacob Wetterling has not yet been located.

That your affiant has been in contact with Jerry and Patty Wetterling over the past several weeks. That your affiant knows the five year anniversary of the abduction will be occurring on October 22, 1994, and that there is considerable media attention concerning this date.

Jerry and Patty Wetterling and authorized agents of the Jacob Wetterling Foundation have consented to the use of trap and trace device(s) concerning the aforementioned telephone numbers. Affiant has been informed that communication businesses furnishing long-distance service in connection with these telephone numbers, identified below, have refused to provide trap and trace device service without a court order. Affiant is informed that at annual anniversary dates of the crime and at other times when media attention has focused on the crime persons having or claiming to have information and/or knowledge concerning the crime have called one or more of the aforementioned telephone numbers. Use of a trap and trace device(s) will assist law enforcement personnel to identify and locate such persons.

4. Affiant requests that the Court issue an Order(s) authorizing the installation and use of a trap and trace device(s) to capture the incoming electronic or other impulses that identify the originating telephone number for incoming telephone calls placed to the previously listed four telephone numbers and to record the date and time of such calls and to record the length of time the telephone lines remain connected, for a period of 60 days.
5. That your affiant, with information of criminal activities described above and with a reasonable belief concerning the continued use of telephone lines in connection with the criminal activity described above, petitions the court, through this application, and pursuant to Minn. Stat. § 626A.35, and § 626A.38, to direct the US West Communications Company, formerly known as Northwestern Bell Telephone Company, the Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, to assist law enforcement in the furnishing of the information, facilities, and technical assistance necessary to

4/20

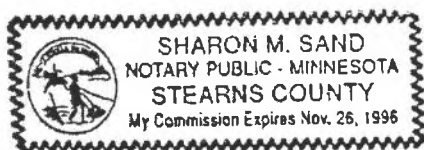
unobtrusively accomplish the installation of trap and trace device(s) on the lines with reasonable compensation to be paid by the affiant for reasonable expenses incurred in providing such facilities and assistance. Your affiant will at no time attempt to intercept oral communications on the lines above unless authorized by a separate Order of the Court.

6. That your affiant further requests that US West Communications Company, formerly known as Northwestern Bell Telephone Company, Minneapolis, MN, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, provide all subscriber information, including non-listed and non-published numbers.
7. That your affiant further requests, pursuant to Minn Stat. § 626A.37, subd.4, that the Court seal the Order authorizing or approving the installation and use of trap and trace device(s).
8. That your affiant further requests, pursuant to Minn. Stat. 626A.37, subd.4, that the Court further order that the telephone companies providing the assistance to the affiant, to wit, US West Communications, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance shall not disclose to the person or persons calling the telephone numbers on which the trap and trace device(s) has been installed, the existence of the trap and trace device(s) unless or until ordered by the Court.

David J. Nohner
Affiant

Signed and sworn before me
on OCTOBER 18, 1994, by
Detective David J. Nohner.

Sharon M. Sand
Notary Public



4/8

STATE OF MINNESOTA
COUNTY OF STEARNS

DISTRICT COURT
CRIMINAL DIVISION

In the Matter of the Application
for an Order Authorizing and
Approving the Installation of a
Trap and Trace Device

S E A L E D O R D E R
TO EXTEND SEALED ORDER
DATED OCTOBER 18, 1994

This matter, having come before the Court pursuant to the Application of David J. Nohner, a Detective with the Stearns County Sheriff's Department, whose application requests that an Order be issued extending the Order issued October 18, 1994, (1) authorizing the installation and use of a trap and trace device(s) installed on the following telephone numbers: (612) 363-4479, the Wetterling residence, located at Route 2, Forest Manor, St. Joseph Township, Stearns County; (612) 363-0470, the Jacob Wetterling Foundation, located at 32 NW 1st Avenue, City of St. Joseph, Stearns County; (612) 363-4573, the Chiropractic Office of Dr. Jerry L. Wetterling, located at 103 North College Avenue, City of St. Joseph, Stearns County; and, (612) 845-4710, Chiropractic Office of Dr. Jerry Wetterling, located at 151 - 6th Street, City of Albany, Stearns County, for a period not to exceed sixty days, and (2) directing US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, providers of the wire or electronic communication services, to forthwith furnish Detective David J. Nohner, of the Stearns County Sheriff's Department, with the information, facilities, and technical assistance necessary to accomplish the

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installation and use of trap and trace device(s) unobtrusively and with a minimum of interference with the services that such carrier is presently according the persons who's communications are to be subject of the trap and trace device(s).

It is further requested that US West Communications, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, provide all subscriber information, including non-listed and non-published numbers.

It appearing that the Application to Extend the Court Order issued October 18, 1994, has been made in good faith and in furtherance of a pending criminal investigation and appearing that there is reason to believe that the aforementioned telephone is being and will be continued to be used in connection with the investigation of criminal activity, the Court based on the application makes the following:

FINDINGS OF FACT

1. That Jerry or Patty Wetterling or the Jacob Wetterling Foundation, are the persons or foundations to whom is leased or in who's name is listed the telephone lines (612) 363-4479, (612) 363-0470, (612) 363-4573, (612) 845-4710 to which the trap and trace device(s) are to be attached.

2. That Jerry and Patty Wetterling, Route 2, Forest Manor, St. Joseph Township, Stearns County, are the parents of the kidnapped child who remains a subject in an ongoing criminal investigation.

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3. The numbers of the telephone lines to which the trap and trace device(s) are to be attached are (612) 363-4479, which is physically located Route 2, Forest Manor, St. Joseph Township, Stearns County; (612) 363-0470, the Jacob Wetterling Foundation, is physically located at 32 NW 1st Avenue, City of St. Joseph, Stearns County, telephone number 612-363-4573, is a Chiropractic Office of Dr. Jerry Wetterling located at 103 North College Avenue, St. Joseph, Stearns County; and, telephone number (612) 845-4710 is a Chiropractic Office of Dr. Jerry Wetterling located at 151 - 6th Street, Albany, Minnesota, Stearns County. That all of the addresses are located in Stearns County, Minnesota.

4. That the offense to which the information will likely be obtained by the trap and trace device(s) is related to the offense of kidnapping, in violation of Minn. Stat. § 609.25, subd.1.

5. That Detective David Nohner of the Stearns County Sheriff's Office is responsible for installation and use of the trap and trace device(s).

6. That the period during which the continued use of the trap and trace device(s) is authorized shall not exceed sixty (60) days from the date of this order.

7. That the only change in the Court Order issued October 18, 1994, is to extend the period during which the use of the trap and trace device(s) is authorized for sixty (60) days from the date of this Order.

Based on the Application and Affidavit of Detective David J. Nohner, and further based on the above Findings of Fact, IT IS

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HEREBY ORDERED:

1. That the aforementioned David J. Nohner, Detective with the Stearns County Sheriff's Office, and other law enforcement officers under his direction and control are authorized to install and use the trap and trace device(s) on the aforementioned telephone lines for a period not to exceed sixty days from the date of this Order.

2. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, forthwith provide Detective David J. Nohner of the Stearns County Sheriff's Office and other peace officers under his direction and control, with information, facilities, and technical assistance necessary to accomplish the installation and use of the trap and trace device(s) unobtrusively and with a minimum of interference with the wire and electronic communication service that such Order is presently according the person or persons whose communications are to be subject to the trap and trace device(s).

3. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, shall be compensated by the applicant, Stearns County Sheriff's Department, at the prevailing rates.

4. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone

L/12

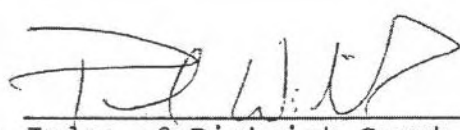
Company , AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, shall provide all subscriber information, including non-listed and non-published numbers.

5. That the normal operation of US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, shall not be disrupted.

6. That is Order and Application and Affidavit are **SEALED UNTIL OTHERWISE ORDERED BY THE COURT.**

7. That said US West Communications Company, formerly known as Northwestern Bell Telephone Company, its agents and its employees shall not disclose the existence of the trap and trace device(s) to the person or persons placing telephone calls to the telephone numbers on which the trap and trace device(s) are to be installed or to any other persons unless or until otherwise ordered by the Court. **THIS ORDER, UNLESS SOONER RENEWED, WILL AUTOMATICALLY TERMINATE SIXTY DAYS FROM THE DATE OF THIS ORDER.**

Dated: 12/16/94



Judge of District Court

4/21

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

In the Matter of the Application
for an Order Authorizing and
Approving the Installation of a
Trap and Trace Device

S E A L E D O R D E R

This matter, having come before the Court pursuant to the Application of David J. Nohner, a Detective with the Stearns County Sheriff's Department, whose application requests that an Order be issued (1) authorizing the installation and use of a trap and trace device(s) installed on the following telephone numbers: (612) 363-4479, the Wetterling residence, located at Route 2, Forest Manor, St. Joseph Township, Stearns County; (612) 363-0470, the Jacob Wetterling Foundation, located at 32 NW 1st Avenue, City of St. Joseph, Stearns County; (612) 363-4573, the Chiropractic Office of Dr. Jerry L. Wetterling, located at 103 North College Avenue, City of St. Joseph, Stearns County; and, (612) 845-4710, Chiropractic Office of Dr. Jerry Wetterling, located at 151 - 6th Street, City of Albany, Stearns County, for a period not to exceed sixty days, and (2) directing US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, providers of the wire or electronic communication services, to forthwith furnish Detective David J. Nohner, of the Stearns County Sheriff's Department, with the information, facilities, and technical assistance necessary to accomplish the installation and use of trap and trace device(s)

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unobtrusively and with a minimum of interference with the services that such carrier is presently according the persons who's communications are to be subject of the trap and trace device(s).

It is further ordered that US West Communications, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, provide all subscriber information, including non-listed and non-published numbers.

It appearing that the Application has been made in good faith and in furtherance of a pending criminal investigation and appearing that there is reason to believe that the aforementioned telephone is being and will be continued to be used in connection with the investigation of criminal activity, the Court based on the application makes the following:

FINDINGS OF FACT

1. That Jerry or Patty Wetterling or the Jacob Wetterling Foundation, are the persons or foundations to whom is leased or in who's name is listed the telephone lines (612) 363-4479, (612) 363-0470, (612) 363-4573, (612) 845-4710 to which the trap and trace device(s) are to be attached.

2. That Jerry and Patty Wetterling, Route 2, Forest Manor, St. Joseph Township, Stearns County, are the parents of the kidnapped child who remains a subject in an ongoing criminal investigation.

3. The numbers of the telephone lines to which the trap and trace device(s) are to be attached are (612) 363-4479, which is

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physically located Route 2, Forest Manor, St. Joseph Township, Stearns County; (612) 363-0470, the Jacob Wetterling Foundation, is physically located at 32 NW 1st Avenue, City of St. Joseph, Stearns County, telephone number 612-363-4573, is a Chiropractic Office of Dr. Jerry Wetterling located at 103 North College Avenue, St. Joseph, Stearns County; and, telephone number (612) 845-4710 is a Chiropractic Office of Dr. Jerry Wetterling located at 151 - 6th Street, Albany, Minnesota, Stearns County. That all of the addresses are located in Stearns County, Minnesota.

4. That the offense to which the information will likely be obtained by the trap and trace device(s) is related to the offense of kidnapping, in violation of Minn. Stat. § 609.25, subd.1.

5. That Detective David Nohner of the Stearns County Sheriff's Office is responsible for installation and use of the trap and trace device(s).

6. That the period during which the use of the trap and trace device(s) shall not exceed sixty (60) days from the date of this order.

Based on the Application and Affidavit of Detective David J. Nohner, and further based on the above Findings of Fact, **IT IS HEREBY ORDERED:**

1. That the aforementioned David J. Nohner, Detective with the Stearns County Sheriff's Office, and other law enforcement officers under his direction and control are authorized to install and use the trap and trace device(s) on the aforementioned

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telephone lines for a period not to exceed sixty days from the date of this Order.

2. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, forthwith provide Detective David J. Nohner of the Stearns County Sheriff's Office and other peace officers under his direction and control, with information, facilities, and technical assistance necessary to accomplish the installation and use of the trap and trace device(s) unobtrusively and with a minimum of interference with the wire and electronic communication service that such Order is presently according the person or persons whose communications are to be subject to the trap and trace device(s). That for US West Communications and Albany Mutual Telephone Company, the geographic location for the installation of said trap and trace equipment shall include, where feasible, the areas covering Minneapolis/St. Paul, and St. Cloud. Where feasible the long distance carriers shall cover the geographic area of the Continental United States.

3. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, shall be compensated by the applicant, Stearns County Sheriff's Department, at the prevailing rates.

4. That US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone

L/25

Company , AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, shall provide all subscriber information, including non-listed and non-published numbers.

5. That the normal operation of US West Communications Company, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, shall not be disrupted.

6. That is Order and Application and Affidavit are **SEALED UNTIL OTHERWISE ORDERED BY THE COURT.**

7. That said US West Communications Company, formerly known as Northwestern Bell Telephone Company, its agents and its employees shall not disclose the existence of the trap and trace device(s) to the person or persons placing telephone calls to the telephone numbers on which the trap and trace device(s) are to be installed or to any other persons unless or until otherwise ordered by the Court. **THIS ORDER, UNLESS SOONER RENEWED, WILL AUTOMATICALLY TERMINATE SIXTY DAYS FROM THE DATE OF THIS ORDER.**

Dated: _____

10/18/94



Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

In the Matter of the Application
for an Order Authorizing and
Approving the Installation of a
Trap and Trace Device

APPLICATION AND AFFIDAVIT
OF DAVID J. NOHNER FOR
EXTENSION OF A COURT ORDER
DATED OCTOBER 18, 1994

[illegible]

David J. Nohner, being first duly sworn under oath, hereby makes the following representation to the Court in support of the Court Order attached hereto:

1. That your affiant is a Detective with the Stearns County Sheriff's Office in St. Cloud, Minnesota, with responsibility for ongoing criminal investigations and, therefore, pursuant to Section 3122(a)2 of Title 18, United States Code, and Minn. Stat. § 626A.36, may apply for an Order authorizing the installation and use of a trap and trace device(s).
2. That in his capacity as a Detective with the Stearns County Sheriff's Department, your affiant and other law enforcement officers are involved in an ongoing investigation concerning kidnapping of a child in violation of Minn Stat. § 609.25, subd.1. That your affiant has knowledge of the kidnapping case and it is known to your affiant that the family of the kidnapped child leases phone numbers as follows: (612) 363-4479, the Wetterling residence, located at Route 2, Forest Manor, St. Joseph Township, Stearns County; (612) 363-0470, the Jacob Wetterling Foundation, located at 32 NW 1st Avenue, City of St. Joseph, Stearns County; (612) 363-4573, the Chiropractic Office of Dr. Jerry L. Wetterling, located at 103 North College Avenue, City of St. Joseph, Stearns County; and, (612) 845-4710, Chiropractic Office of Dr. Jerry Wetterling, located at 151 - 6th Street, City of Albany, Stearns County. That the information likely to be obtained from the trap and trace device(s) is relevant to the ongoing criminal investigation and that it is believed that this information will concern the aforementioned offenses.
3. Affiant relies upon the following additional facts and circumstances in applying for this Order:

4/14

That on October 22, 1989, Jacob Wetterling, age 11, was abducted by a masked gunman on 91st Avenue at approximately 9:15 P.M. That this act was witnessed by Jacob Wetterling's and Jacob Wetterling's friend. That an investigation was started at that time and date and the investigation is ongoing and Jacob Wetterling has not yet been located.

That your affiant has been in contact with Jerry and Patty Wetterling over the past several weeks. That your affiant knows the five year anniversary of the abduction will be occurring on October 22, 1994, and that there is considerable media attention concerning this date.

Jerry and Patty Wetterling and authorized agents of the Jacob Wetterling Foundation have consented to the use of trap and trace device(s) concerning the aforementioned telephone numbers. Affiant has been informed that communication businesses furnishing long-distance service in connection with these telephone numbers, identified below, have refused to provide trap and trace device service without a court order. Affiant is informed that at annual anniversary dates of the crime and at other times when media attention has focused on the crime persons having or claiming to have information and/or knowledge concerning the crime have called one or more of the aforementioned telephone numbers. Use of a trap and trace device(s) will assist law enforcement personnel to identify and locate such persons.

4. Statement of Any Changes in Application and Affidavit Dated October 18, 1994:

A. Pursuant to Minn. Stat. § 626A.37, subd. 3(b), affiant may apply for an extension of an order authorizing the installation and use of a trap and trace device(s).

B. The following is a statement of facts and circumstances occurring after the issuance of the Court Order dated October 18, 1994:

(1.) That since the implementation of the trap and trace device in the previous Order, dated October 18, 1994, telephone calls of suspicious nature have been received. On October 26, 1994, your affiant was contacted by Cecelia Schmainda, Secretary for Dr. Jerry Wetterling, at the Wetterling Chiropractic Office in the City of Albany. Cecelia Schmainda informed your affiant that on October 26, 1994, she had received a suspicious call in which there was no conversation lasting approximately 15 seconds. Through trap and trace

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equipment, this call has been determined to originate from (712) 943-0510 in Sloan, IA. Your affiant has been in contact with an agent of the telephone company in Sloan, IA, Northwest Iowa Telephone Company, and has learned that this is not an actual working telephone, but is a switching number. Your affiant further learned that this suspicious call was placed from MCI Long Distance and your affiant is currently in the process of investigating the actual originating number of that call.

- (2.) Your affiant has learned that there have been three more calls to the Wetterling Chiropractic Office in Albany that have come through that same switchboard number, (712) 943-0510, in Sloan, IA, on November 28, November 29, and November 30, 1994. Your affiant has talked with Cecelia Schmainda concerning these three other calls and it is believed that these calls corresponded with hang up calls at the Albany Office of Wetterling Chiropractic.
- (3.) Your affiant is currently working with the Northwest Iowa Telephone Company in Sloan, IA, to attempt to determine the actual originating number of these three suspicious calls.
- (4.) That on December 7, 1994, your affiant spoke with Dr. Jerry Wetterling. He informed your affiant that calls of suspicious nature have also been received at the Wetterling Chiropractic Office in St. Joseph, (612) 363-4573. One call determined to have been received at 12:10 p.m. on December 1, 1994, a hang up call, has been determined to have originated from (612) 253-4700, which is a number listing to the Sauk Rapids/Rice Public School, 901 1st Street South, Sauk Rapids, MN.
- (5.) With the existence of the suspicious phone calls being placed to the Wetterling Chiropractic Offices, your affiant would request a Court Ordered Extension of the previous Court Order authorizing the installation of trap and trace devices for the telephone numbers previously listed in the Court Order. Your affiant believes the extension is necessary to continue the investigation into further telephone calls of suspicious nature to the numbers previously listed in the Court Order.

5. Affiant requests that the Court issue an Order(s) extending the Order issued October 18, 1994, authorizing

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the installation and use of a trap and trace device(s) to capture the incoming electronic or other impulses that identify the originating telephone number for incoming telephone calls placed to the previously listed four telephone numbers and to record the date and time of such calls and to record the length of time the telephone lines remain connected, for a period of 60 days.

6. That your affiant, with information of criminal activities described above and with a reasonable belief concerning the continued use of telephone lines in connection with the criminal activity described above, petitions the court, through this application, and pursuant to Minn. Stat. § 626A.35, and § 626A.38, to direct the US West Communications Company, formerly known as Northwestern Bell Telephone Company, the Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance, and US Link Long Distance, to assist law enforcement in the furnishing of the information, facilities, and technical assistance necessary to unobtrusively accomplish the installation of trap and trace device(s) on the lines with reasonable compensation to be paid by the affiant for reasonable expenses incurred in providing such facilities and assistance. Your affiant will at no time attempt to intercept oral communications on the lines above unless authorized by a separate Order of the Court.
7. That your affiant further requests that US West Communications Company, formerly known as Northwestern Bell Telephone Company, Minneapolis, MN, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance, provide all subscriber information, including non-listed and non-published numbers.
8. That your affiant further requests, pursuant to Minn Stat. § 626A.37, subd.4, that the Court seal the Order Extending the Court Order issued October 18, 1994, authorizing or approving the installation and use of trap and trace device(s).
9. That your affiant further requests, pursuant to Minn. Stat. 626A.37, subd.4, that the Court further order that the telephone companies providing the assistance to the affiant, to wit, US West Communications, formerly known as Northwestern Bell Telephone Company, Albany Mutual Telephone Company, AT&T Communications, MCI, Sprint Long Distance and US Link Long Distance shall not disclose to the person or persons calling the telephone numbers on which the trap and trace device(s) has been installed,

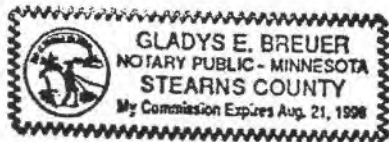
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the existence of the trap and trace device(s) unless or until ordered by the Court.

David J. Nohner
Affiant

Signed and sworn before me
on December 16, 1994, by
Detective David J. Nohner.

Gladys E. Breuer
Notary Public



STATE OF MINNESOTA
COUNTY OF KANDIYOHI

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DISTRICT COURT

EIGHTH JUDICIAL DISTRICT

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In the Matter of
DUANE ALLEN HART,
Respondent.

NOTED FOR
RECORD

Findings of Fact,
Conclusions of Law,
and Order re
Minn. Stat. §253B.02

File No. P5-93-1142

TO: ATTORNEY FOR PETITIONER, M. JACQUELINE REGIS, ASSISTANT
ATTORNEY GENERAL; RESPONDENT AND HIS ATTORNEY, MARILYN B.
KNUDSEN, ESQ.

On March 16, 1995, this Court issued Findings of Fact,
Conclusions of Law, and Order, determining that Duane Allen
Hart be committed to the Minnesota Security Hospital as a
psychopathic personality, pursuant to Minn. Stat. §526.09.

Since neither party seeks further hearing in the matter,
the Court now determines the question of whether Mr. Hart should
be committed as a sexually dangerous person, pursuant to
Minn. Stat. §253B.02.

Based upon the evidence presented by witnesses at trial,
and the exhibits and arguments of counsel, this Court makes the
following

Findings of Fact

Findings of Fact numbered one through ninety-eight, contained
in this Court's Findings, Conclusions and Order of March 16, 1995,
are hereby incorporated by reference.

In addition, the Court finds specifically that:

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99. Duane Allen Hart has engaged in a course of sexual conduct that creates a substantial likelihood of serious physical or emotional harm to others.
100. Duane Allen Hart has manifested, and been diagnosed by competent mental health professionals as having sexual, personality, and mental disorders. See Findings of Fact numbered fifty-five through sixty-five.
101. Given his sexual, personality and mental disorders, Duane Allen Hart is likely to engage in sexual acts that create a substantial likelihood of serious physical or emotional harm to another.

Based upon these facts, this Court draws the following

Conclusions of Law

1. Petitioner has provided clear and convincing evidence that Duane Allen Hart meets the legal criteria for commitment as a sexually dangerous person, pursuant to Minn. Stat. 253B.02.
2. Petitioner has provided clear and convincing evidence that Duane Allen Hart's commitment to the Minnesota Security Hospital at St. Peter Regional Treatment Center is the least restrictive treatment alternative available to this Court.

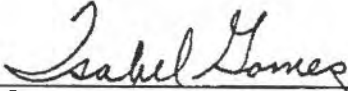
It is, therefore,

Ordered

1. That Duane Allen Hart be committed as a sexually dangerous person to the Minnesota Security Hospital at St. Peter Regional Treatment Center.
2. That the costs of Mr. Hart's care be paid in accordance with Minn. Stat. §§245.50 to 246.55.
3. That Duane Allen Hart's commitment be on an interim basis, subject to a final determination under Minn. Stat. §253B.18, subd. 2.
4. That this Court's Findings of Fact of March 16, 1995, in the above-captioned case, be incorporated herein by reference.

BY THE COURT:

Dated: 4-7-95


Isabel Gomez
Judge of District Court

STATE OF MINNESOTA

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DISTRICT COURT

COUNTY OF KANDIYOHI

95 MAR 16 PM 2:45 EIGHTH JUDICIAL DISTRICT

In the Matter of

HEREBY
COURT ADM. DEPT.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

DUANE ALLEN HART,

Respondent.

File No. P5-93-1142

TO: ATTORNEY FOR PETITIONER, M. JACQUELINE REGIS, ASSISTANT
ATTORNEY GENERAL; RESPONDENT AND HIS ATTORNEY, MARILYN
B. KNUDSEN, ESQ.

The above-captioned matter came on for trial before the undersigned on June 6, 7, 8, 9 and 10, 1994. Petitioner was represented by M. Jacqueline Regis, Assistant Attorney General. Respondent was present and represented by Marilyn Knudsen, Esq.

Kandiyohi County seeks commitment of the respondent as a psychopathic personality, pursuant to Minn. Stat. §526.09. Respondent opposes commitment.

Decision in this matter was delayed, as counsel and the Court were required to consider the impact of a series of Minnesota appellate decisions re-interpreting the statute in the late summer of 1994, as well as the Minnesota legislature's enactment of Minn. Stat. §253B.02 in September. The last brief in the case was received by this Court in December of 1994.

The Court's decision and orders concerning Minn. Stat. §253B.02 are set out in a separate document. See Memorandum

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and Order re Minn. Stat. §253B.02. The instant Findings and Order are pursuant to Minn. Stat. §526.09.

Based upon the evidence presented by witnesses at trial, the exhibits and the arguments of counsel, this Court makes the following

Findings of Fact

1. Duane Allen Hart was born on July 30, 1947.
2. Hart and his only sibling, a sister, were hospitalized for malnutrition when the respondent was about three years old.
3. Hart's alcoholic father deserted his family when Hart was a small boy; the respondent grew up without a father.
4. Hart's mother was often unable to parent him, due at least in part, to hospitalization and incapacitation resulting from what were at the time called "nervous breakdowns."
5. At three and a half, Hart went to live with his maternal grandparents, in whose care he remained until he returned to his mother at age six.
6. Hart reports that he was drinking alcohol heavily at age six, that he refused school, stayed out at night, and set a number of fires.
7. By the time Hart was nine, his mother gave up parenting her impulsive, destructive and troubled son. The child was placed at a residential treatment center,

St. Cloud Children's Home. He remained there until he was fourteen.

8. At St. Cloud Children's Home,

Certainly,
he participated in the homosexual play that is common where large numbers of boys live together.

9. At about fifteen, Hart was placed in the foster home of Mr. and Mrs. Forrest McKinley in Paynesville, Minnesota.
10. Hart received Special Education services in school, which he left after completing the ninth grade.
11. Hart was expelled from school at about age fifteen for having consensual sexual contact with another boy in a school bathroom.
12. [REDACTED] (born [REDACTED]) has testified that he was sexually molested by Hart when Hart was about sixteen and [REDACTED] was nine or ten. Hart offered [REDACTED] money and fondled the child's genitals. On another occasion, both [REDACTED] and Hart were naked and Hart put his penis between the younger boy's legs from behind. When [REDACTED] protested, Hart stopped.

13. Around the same time Hart victimized him, [REDACTED] [REDACTED] heard and saw Hart offer another boy, younger than [REDACTED], money for sex.

14. Although his parents asked him, six or seven months after he was victimized, whether Hart had sexual contact with him, [REDACTED] never told about the offenses until 1990. He did not tell because he felt ashamed, guilty, and scared. He also was afraid his father might harm Duane Hart.

It is clear that, after thirty years, [REDACTED] still takes his victimization seriously.

15. As a late adolescent, Hart completed a stint in the Job Corps in New Mexico, where he was trained in welding, construction, and operating heavy equipment.

16. In 1966, at age nineteen, Hart entered the United States Army. He served in Vietnam, doing hazardous duty as a "tunnel rat," but he received a dishonorable discharge because of a Kentucky arrest and conviction that occurred while he was still a soldier.

Hart spent a number of years outside of Minnesota after his discharge and release from prison in Kentucky.

17. Duane Hart has supported himself as a welder, a construction worker, and a farm worker.

18. Duane Hart was placed into the custody of Minnesota's Commissioner of Corrections in the Summer of 1990, after conviction on six counts of Criminal

Sexual Conduct in Stearns and Kandiyohi Counties. He had two convictions for C.S.C. II, two convictions for C.S.C. III, and two convictions for C.S.C. IV.

The expiration date of the longest of Hart's sentences is September 20, 1995.

19. In addition to the convictions for Criminal Sexual Conduct, Hart has been found guilty of the following offenses:

October 13, 1968	Breaking and Entering (Kentucky; Felony)
March 31, 1972	Open Bottle and Furnishing to a Minor
March 30, 1974	Illegal Possession of Marijuana (Colorado)
December 19, 1975	Driving while Intoxicated
June 5, 1987	Driving while Intoxicated
September 20, 1987	Driving while Intoxicated
April 16, 1988	Aggravated Driving while Intoxicated
May 5, 1988	Aggravated Driving while Intoxicated
May 5, 1988	5th Degree Assault
July 7, 1988	Contraband (marijuana) in Jail

20. Hart admitted, in Kandiyohi County Case No. K7-90-74, that he had committed Criminal Sexual Conduct in the Fourth Degree, by several times grabbing the penis of _____, during the summer of 1987.

21. _____ reported that Hart several times performed

fellatio on him, also in the summer of 1987. Hart admitted this conduct in Stearns County Case No. K1-90-1471, pleading guilty to two counts of Criminal Sexual Conduct in the Third Degree.

22. . also told authorities that, in 1987, Hart twice forcibly assaulted him, attempting to obtain sex.

Once, at the home of T.G., where . went to visit and Hart was then living, Hart knocked . to the floor, and tried to open 's pants, saying, "Let me do it, let me do it." This assault ended when T.G.'s father came into the room.

Another day, when . was watching television at the same residence, Hart closed the curtains, squeezed 's genitals, and tried to get his pants down. When . tried to telephone for help, Hart took the telephone away from him. . was able to escape this attack by punching Hart.

23. In Kandiyohi County Case No. K5-90-168, Hart admitted fondling 's genitals inside his pants twice in the spring of 1986, and was therefore convicted of Criminal Sexual Conduct in the Second Degree.

24. . is now twenty years old. He met Hart at T.G.'s house in 1986, when . was ten or eleven years of age. . was, and is, .

Hart was 's only transportation to visit his

friend T.G.. He drove the child to T.G.'s one to three times a week.

25. . testified at the hearing in the instant case that Hart frequently wrestled with T.G. and his friends, including ., using this activity as an opportunity to touch the boys' penises. Hart seemed to have no interest in wrestling with the female children at T.G.'s house.

Hart touched 's penis over his clothing, but T.G. observed this and got Hart to stop.

26. While driving . home at night, Hart victimized the boy by grabbing his penis and trying to unzip his pants. Hart also tried to make the boy's penis hard, rubbing it for two or three minutes at a time. This caused the child distress, and he eventually refused to ride with Hart.

27. Except for one night, Hart was sober when he victimized G..

28. . tried to tell his mother about what happened, but she was confused about what he was saying. It was not until sometime later, at school, that he told and was understood.

29. . felt confused and isolated from his peers after his experience with Hart. He was afraid to take showers in the presence of other boys, and, in fact, avoided socializing.

. had counseling for his difficulties in high

school. He received anti-depressant medication.

. has had dreams of running into Hart again, being in a car with him, and being victimized again. He has a sexual relationship with a girlfriend; but if she initiates sex by touching his genitals, it causes "flashbacks of Mr. Hart doing this to me in the back woods, and it bothers me so much that I can't even allow her to touch me, and it bothers her as well." Transcript II, 38, 11.3-7.

30. Duane Hart sexually abused , so many times that neither he nor the child could say how often the assaults occurred.

In Stearns County Case No. K1-90-1471, Hart admitted that, in the summer of 1987, he frequently fondled 's penis under his clothes and that, on at least one occasion, he physically pinned the child down to accomplish this. He was convicted of Criminal Sexual Conduct in the Third Degree.

31. In Kandiyohi County Case No. K9-90-75, Hart admitted paying . for similar acts of sex in the fall of 1989. He was convicted of Criminal Sexual Conduct in the Third Degree.

32. . told police that T.G. and D.G., his friends, often helped him by pulling Hart away from him. He was afraid to go anywhere with Hart alone.

. said he saw Hart lock himself into his bedroom with boys at the Forrest McKinley residence and

in a trailer home in Harwick, where he saw D.F. come running out of Hart's bedroom screaming in pain and pulling up his pants.

33. Hart gave . and his friends T.G. and D.G. beer and marijuana. When they were intoxicated, he would sexually victimize them.

34. . was sexually abused by Hart innumerable times between the ages of eight and fourteen.

In Kandiyohi County Case No. K3-90-167, Hart pled guilty to Criminal Sexual Conduct in the Third Degree, admitting that he sucked the child's penis. He stated that, since he had used alcohol, marijuana, and L.S.D. during the offenses, he didn't remember whether he had made . perform fellatio on him.

35. ., now twenty-three, testified at the hearing on the instant petition.

He described how Hart used bribes (money; letting the boy drive his car), chemicals (beer, marijuana, and tobacco), threats (Hart claimed to have guns, explosives and other weapons), physical force, social isolation (keeping him from school and schoolmates), and even religious preaching to create an environment in which . was at Hart's disposal for six years.

36. . has no way to count the times Hart sexually assaulted him. He estimates five or six attacks a week. Over six years, that would amount to more than 1,500 offenses.

37. By the time he was twelve or thirteen, became particularly afraid of Hart, "Because I started . . . growing up and seeing what was really going on and seeing how things should be, and that's not the way they were." Transcript II, 154, 11.19-21.

38. 's testimony was received on a closed-circuit television system in Hennepin County Juvenile Court, because he would not testify where he could see Hart: " . . . just by seeing Mr. Hart again, it brings back memories that I don't really want to remember at all." Transcript II, 155, 11 21-23. says he felt Hart pursued him when he tried to extricate himself, and that he is still afraid of Hart.

39. . saw Hart naked with . and ., who were 's agemates, and saw all three sucking each other's penises.

Hart had oral intercourse with boys at Hart's house, in his car by the side of the road, "out in a boat, in a fish house, at his mom and dad's, anywheres." Transcript II, 157, 11.11-14.

40. Like . and like Hart himself, . found his education negatively impacted by sexual victimization. Like Hart, . has almost no high school: "I thought I was already past that because I was doing old things, and school, to me, that was nothing." Transcript II, 155, 11. 3-5.

., like ., felt isolated and confused

about his sexuality as a teenager, because of Hart's predation.

41. testified that, as a result of his experience with Hart, he does not trust anyone but his wife to be what s/he seems to be. His wife has been "trying to help me out through these things and help me understand that it wasn't my fault." Transcript II, 156, 11. 4-5.

42. testified at hearing on the instant petition on closed-circuit television, like ..

. is now twenty-one. He met Hart when he was ten years old.

He had much the same experience with Hart as

. did, often at the same time. He, too, was given drugs and alcohol and had countless sexual contacts with Hart. Many times, . sucked Hart's penis.

43. recalled a particular incident in which he observed Hart, naked, lying on top of 's brother, , who was also naked. . was twelve at the time.

He also recalled a time when he was twelve and Hart had 's stepbrother in Hart's bedroom for a long while, as . and others drank in the living-room. When his stepbrother came running out, they all ran away. Hart pursued them on a tractor.

44. Hart was not prosecuted or convicted for most of his sexual offenses, including all of those against , and their stepbrother.

45. In the 1990 pre-sentence investigation prepared by Hugh Krause, Hart is quoted as saying, "I don't force myself on people. If I'm too drunk and make a sexual pass on a youngster and they say no that's it as far as I went. I don't stalk the streets, I don't involve myself in hurting people." Exhibit 3, Cumulative Corrections File, P.S.I. at 2.

These statements are untrue.

46. During an assessment by Dr. Joseph Sames in 1990, after his imprisonment, Hart claimed that his homosexuality did not emerge until after he left the army and that he had never used force or coercion to get sexual contact.

These are falsehoods.

47. The respondent continues to minimize his behavior.

In November of 1993, when Dr. John Austin interviewed him as a court examiner in the instant matter, Mr. Hart said of the boys who were eight to ten years of age when he started sexually abusing them, that "a lot of them were pretty well introduced to drugs and alcohol" when they met him. Exhibit 7, Report of Dr. Austin, 4. This belief denies the reality that Hart corrupted his victims with unhealthy and illicit chemicals.

Despite clear evidence to the contrary, Hart also continues to deny that he used force against the victims, and believes that the boys were, "already

inclined toward" homosexual intercourse when he started having sex with them. Ibid. He also greatly minimizes the number of acts of sexual penetration he perpetrated, maintaining that boys fellated him no more than two or three times.

48. Although Hart now states he had "approximately thirty" individual therapy sessions, Exhibit 7, Report of Dr. John Austin, Hart's therapy at Stillwater is documented by Marvin Rosow, M.S.W., LIC.S.W., to have consisted of twelve sessions.

Rosow's summary states that Hart was self-referred "to learn not to be sexually attracted to teenage boys." Exhibit 3, Cumulative Corrections File, one-page report of Marvin Rosow.

At the end of this therapy, in April of 1991, Hart saw himself as homosexual, but not wanting to have sexual relations with either consenting adults or teenagers.

Rosow noted Hart's preference for a "life-style of isolation," and said that, on release, Hart planned to live "in some remote area and not only be alone, but also self-sufficient." Ibid.

49. Twelve sessions of individual therapy are wholly inadequate to effectively deal with Hart's treatment needs. If there were thirty sessions, as Hart asserted, they would not be sufficient treatment,

either. See Exhibit 4, Report of Dr. Douglas Fox, at 9.

50. Based on Hart's defensiveness, his refusal to undergo psychological testing or assessment, his history of multiple offenses on multiple victims, his refusal to participate in all prison sex offender treatment programs, and the absence of any evidence or rehabilitation, licensed psychologist Ralph Cornelia found on May 4, 1993 that Hart was a candidate for commitment as a psychopathic personality.

51. At the time of his convictions, in 1990, Hart stated his intention to attend sex offender treatment.

In fact, he refused to attend the sex offender program at Oak Park Heights and, later, the program at Lino Lakes.

52. Hart lacks insight into his criminal behavior. In 1990, in a pre-sentence assessment at the University of Minnesota's Human Sexuality Program, he saw his primary sexual problem as his homosexuality. That is, his own internal conflict troubled him more than his predation on children.

This arrangement of priorities continued in prison, where he avoided sex offender treatment and sought out individual therapy, which appears to have ended when he had reduced his internal conflict to the point where he could participate fully in Catholic sacraments.

53. For the instant matter, Duane Hart was examined by three psychologists: first examiner Dr. Harry Hoberman, second examiner Dr. John Austin, and Dr. Douglas Fox, who was retained by the petitioner.

54. Dr. Hoberman and Dr. Fox support Hart's commitment as a psychopathic personality. Dr. Austin does not.

55. Doctors Hoberman and Fox concur that Hart meets the criteria for two DSM-IV psychiatric disorders: pedophilia and antisocial personality disorder.

Dr. Austin agrees that Hart is a pedophile. He finds that Hart does not fully meet the criteria for antisocial personality disorder, but he seems to be using DSM-III- R criteria, Exhibit 7, Report of Dr. Austin, 5, which Dr. Hoberman also found Hart did not quite fit. It is unclear whether Austin agrees with Hoberman and Fox that Hart does meet DSM-IV criteria for antisocial personality disorder. Dr. Austin does find Hart to have "many signs of antisocial behavior."

Ibid.

The trier finds from the evidence that Hart suffers from both pedophilia and antisocial personality disorder.

56. It is probable that Hart also suffers from dysthymia: a "chronic but intermittent depressive disorder," whose symptoms in his case include sadness, irritability, low self-esteem and hopelessness. Transcript IV, 117, 11.16-22.

57. Despite the fact that Hart was minimizing his deviance on surveys of sexual behavior he completed at the University of Minnesota in 1990, he admitted he had difficulty "controlling his sexual behavior or his sexual urges and felt compelled to have sex again and again in a short period of time." Transcript IV, 89, 11. 20-23.
58. On the DeRogalis Sexual Functioning Inventory done in 1990, Hart scored "at the one percentile and he sees himself at about the 30th percentile. all in all, this is an extremely low score, indicating a good amount of work to be done in the area of sexuality." Transcript IV, p. 90, 11. 7-11.
59. Dr. Harry Hoberman administered the MMPI-2 and the Millon Clinical Multiaxial Inventory to Duane Hart as an examiner in the instant matter.
60. In 1990, Hart was also given an MMPI, which yielded valid profiles. The recent MMPI₂ did not yield valid profiles because of Hart's defensiveness and his effort to give consistently positive answers.
- Even with its elevated "lie scale," however, the MMPI₂, like the 1990 MMPI, showed Hart to have an abnormally high 4 scale, "which is commonly associated with difficulty with impulse control." Testimony of Dr. Fox, Transcript II, 99, 11.16-17.
61. Scale 4 of the MMPI₂ is a measure of psychopathic deviation. "Only 1.9% of men in the community have

well-defined Pd spikes; 36-8% of men in state correctional facilities report this high-point clinical scale score." Ex. 9, Examiner's Report Addendum, p. 1.

62. Hart's elevated score on the MMPI₂'s psychopathic deviant scale indicates that he is a person with "strong unconventional impulses," is highly resentful, and has an "unusually strong need to be in control." Exhibit 9, Examiner's Report Addendum, p. 1.

These traits are manifested in his socialization with children. "Such interactions allow Mr. Hart the opportunity to experience and/or exercise control in a manner which . . . would not be possible with same-age adults." Ibid.

63. Hart's 1990 MMPI had elevated scores on Scale 6-paranoia and Scale 8-schizoid traits, as well as on Scale 4.

64. On the Millon scale, administered by Dr. Hoberman, Hart appeared likely to have an "Obsessive Compulsive Personality Disorder with prominent schizoid personality traits." Exhibit 9, Examiner's Report Addendum, p. 2.

This result "indicates that there are matters about which Mr. Hart obsesses, which may well be his sexual fantasies or impulses, and which he attempts to compensate for with compulsive and overly conforming behavior" Ibid.

65. The schizoid traits noted by the Millon refer to the fact that Hart has "a lot of social anxiety" and is either unable or unwilling "to interact with other people." Transcript IV, 100, 11.15-18. this social withdrawal is based in low self-esteem and self-doubt.

66. All of the experts diagnose Hart as having problems with chemicals. Dr. Hoberman finds chronic poly-substance abuse and dependence; Dr. Fox, alcohol dependence and poly-substance abuse; Dr. Austin, alcohol abuse and mixed substance abuse.

All agree that his dangerousness would be reduced by chemical dependency treatment.

67. Hart has been abusing alcohol since the age of six, and various other drugs (marijuana, L.S.D.) throughout most of his adult life. He has been convicted of nine specifically alcohol or drug-related offenses over nearly two decades. His Kentucky felony and many of his sexual assaults were committed under the influence of chemicals.

He is chemically dependent, and he is a danger to himself and to others when he uses.

68. Hart has had two chemical dependency treatment experiences. He spent about four months at Willmar Regional Treatment Center in 1972 and a short time at Minneapolis' Harbor Nights Facility in 1987.

69. In a pre-sentencing interview at the University of Minnesota in 1990, Hart said, "If I want to drink, I'll drink; you can't stop me."

70. Despite his problems with alcohol, Hart has never made a commitment not to use it. He has tried Alcoholics Anonymous on occasion, but has never found a compatible group or attended regularly. He refused chemical dependency treatment in prison, and he dropped out of N.A. (Narcotics Anonymous) after a few sessions.

71. Despite having refused chemical dependency treatment and 12-step programs while incarcerated, Hart currently maintains his willingness and desire to do both if he is released.

This posture is essentially the same as his expressing a determination to have sex offender treatment at the time he was being sentenced, then refusing the treatment when it was actually available.

Given his diagnosed mental/emotional problems, Hart will not obtain these needed services unless doing so is the key to his freedom.

72. Dr. Douglas Fox opines that there is an 85% probability that Hart will again sexually assault a boy. This opinion-which the trier takes as a very firm professional belief, rather than as a purely statistical probability-is based on Hart's past

behavior, his diagnosis, and the fact that there has been no meaningful intervention.

73. Nita Furley, Mark Weinrodt and Lyn Blackshaw have summarized the available research on sex offender recidivism, and their summary is accepted as authoritative by experts who testified in the instant matter. Furley et al conclude that, based upon the studies available to them, "it is difficult to make any meaningful statement about the number of sex offenders who continue to commit sex offenses." Exhibit 14, Sex Offender Recidivism, 22.

They caution that, "[d]espite the relatively large number of studies on sex offender recidivism, we know very little about it. . . . methodological shortcomings are present in virtually all studies, making the results from any single study both hard to interpret and inappropriate for the use of conventional confidence levels." Op. cit., 27.

74. There appear to be no "base rate statistics for violent behavior among individuals," Matter of Linehan, 518 N.W.2d 609, 614 (Minn. 1994), that could be established to a reasonable degree of scientific certainty, or to any level that would assist the trier herein. See, Exhibit 14, Sex Offender Recidivism.
75. Hart is an individual whose behavior, from childhood on, is strikingly impulsive.

In early childhood, his persistent deviation from 6-to-8-year old's norms led to institutionalization.

The sexual assaults which led to his imprisonment are striking for their frequency and recklessness. He assaulted whatever boys were available, wherever and whenever no other adults were present, sometimes using chemicals to increase the children's amenability and support his own fantasy that they were consenting in mutual pleasure, sometimes persisting brutally in the face of their efforts to escape.

76. Mr. Hart's relentless sexual assaults on nonconsenting children clearly manifest his lack of behavioral control. He has obvious difficulty delaying gratification, See Exhibit 4, Report of Dr. Douglas Fox, at 7.
77. Hart's genuine shame and remorse at his pedophilia is intrinsic to his self-doubt. His chemical dependency stems, in significant part, from self-medicating to reduce his distress.
78. Hart is "someone who ruminates a lot about distressing things, who engages in compulsive behavior to undo or manage his distress." Transcript IV, p. 100, 11.9-12.
79. Hart is markedly irresponsible for his conduct in respect to sexual matters, because of his emotional instability (his depression, with profound social anxiety), his impulsiveness, his lack of self-control,

his bad judgment, his denial of his own destructiveness, and his lack of insight into the strength of his sexual urges.

80. Duane Hart has engaged in a habitual course of sexual misconduct at least since he was an adolescent. He lacks customary standards of good judgment.

81. Since Hart was already in his forties when he committed the crimes which led to his convictions, and since he is in good health, there is no reason to believe he has "aged out" of his pedophilia or will do so in the near future.

82. Hart is a patterned sex offender. His victims are always boys from about eight years of age to fifteen or so. He isolates them physically and/or socially. He bribes them, threatens them, tricks them, or uses force in order to fondle them, to perform oral sex on them, to have them perform oral sex on him, and to perform anal intercourse on them.

He often intoxicates his victims with alcohol or marijuana, so as to lessen their resistance or gain their compliance. He is often himself under the influence of chemicals when he assaults boys, but not always.

83. Hart's atypical sexual arousal patterns are extremely difficult to change. Since he has had no treatment, he may not be fully aware of these patterns. He has learned none of the very specific techniques for

managing sexual arousal and controlling impulses that are taught in sex offender treatment programs.

84. Hart currently is unable to control his sexual impulses or to overcome his intense, fixated and dangerous urges.

He meets the Pearson "utter inability to control" standard, because of his impulsivity, his lack of social judgment, his rebelliousness, and his lack of self-reflection.

85. Hart has never married and has no children. He has never had a close, long-standing relationship with a peer. He has little contact with his mother or with his sister. He would, given his freedom, choose to live alone in a remote and isolated area. Hart has no community support.

86. Incarceration has not affected Hart's understanding and appreciation of his criminal acts, though it certainly has punished him. The fact that he wishes to avoid prison in no way means that he will be able to do so.

87. Hart has no insight into the severity of his sexual deviance and what it will take to control it.

When asked by Dr. Hoberman what would prevent him from reoffending, Hart said only "A higher power."

Transcript IV, p. 93, 11.2-4.

Hart told Hoberman he stopped working with Marvin Rosow "because he was 'pretty well done' with treatment at that point in time." Transcript IV, 93, 11. 22-24.

88. To Dr. John Austin, Hart recently expressed a similarly naive "plan" for avoiding criminal sexual behavior: "'By believing in God, going to church and staying around elderly people. By not having contact with young people and staying away from drugs and alcohol.'" Exhibit 7, Report of Dr. Austin, 4.
89. The extremely barren and remote world Hart sees himself inhabiting on release embodies both his own fear that he cannot control his impulses and his desire not to reoffend. It suggests both the need for treatment and the possibility that he will benefit from it.
90. Without treatment, Hart will remain acutely isolated, depressed, and abusive of chemicals. Under these conditions, there is a substantial likelihood that he will very soon sexually assault a young boy, so as to cause him serious physical and/or mental harm.
91. All of the trial experts agree that Hart's dangerousness would be reduced by sex offender treatment and that he is extremely unlikely to obtain treatment on a voluntary basis.
92. As Dr. Fox noted, Hart has spent more time and effort avoiding treatment and insight than he has in facing or analyzing his criminal behavior. If he found

himself too busy with other classes to attend prison treatment, See Transcript II, 85, ll. 6-10, he will find many higher priorities for himself in the community. Hart is not likely to engage in any treatment unless he cannot otherwise gain his freedom.

93. Hart should be committed for sex offender treatment, because it is unrealistic to believe he could otherwise be isolated from boys, to whom he poses a substantial risk of harm.

94. Hart's covert behavior, his hiding his sexual behavior from adults who would call him to account, as well as his recent and intermittent remorse, show he can tell right from wrong.

But he has never yet appreciated the consequences of his acts and, in fact, is confused as to both exactly what his acts have been: he "forgets" having used force and misrepresents his own sexual history and whether he hurt anyone; he has repeatedly described his offenses as having been consensual or pleasing to the victims.

95. Formal sex offender treatment offered to those committed as psychopathic personalities in Minnesota has, as its foundation, facing offenders with the reality of their criminal behavior. It is likely that exposure to such a program would at least bring Hart to take some responsibility for his destructive behavior.

96. The fact that Hart has some capacity for empathy would improve his ability to complete a sex offender treatment program's requirement that he "fully experience the consequences of [his] actions to [his] victims." Transcript IV, 121, 11. 15-16. He currently minimizes the consequences of his acts on others.

A full appreciation would be "a powerful deterrent" to his reoffending. Ibid. 11. 17-18.

97. In a sex offender treatment program, Hart could be taught to understand the cycle of abuse and how to stop it. This is one of the ways a program could lessen his dangerousness.

98. With intensive sex offender treatment, chemical dependency and a trial of medication to reduce his underlying dysthymia and anxiety, Hart could learn to manage his behavior and to resist his urges to sexually abuse children.

Based upon the facts set forth above, the Court draws the following

Conclusions of Law

1. Petitioner has provided clear and convincing evidence that Duane Allen Hart meets the legal criteria for commitment as a psychopathic personality pursuant to Minn. Stat. §§526.09 and 526.20.

2. Petitioner has provided clear and convincing evidence that Duane Allen Hart falls within the boundaries for psychopathic personality commitments set forth in State ex rel. Pearson v. Probate Court of Ramsey County, 287 N.W. 297 (Minn. 1939), aff'd, 309 U.S. 270 (1940) and In re Blodgett, 510 N.W.2d 910, (Minn. 1994).

3. Petitioner has provided clear and convincing evidence that Duane Allen Hart's commitment to the Minnesota Security Hospital at St. Peter Regional Treatment Center is the least restrictive treatment alternative available to this Court.

It is, therefore,

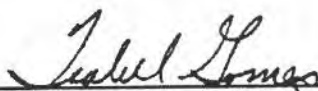
Ordered

1. That Duane Allen Hart be committed as a psychopathic personality to the Minnesota Security Hospital at St. Peter Regional Treatment Center.
2. That the costs of Mr. Hart's care be paid in accordance with Minn. Stat. §§245.50 to 246.55.
3. That Duane Allen Hart's commitment be on an interim basis, subject to a final determination under Minn. Stat. §253B.18, subd. 2.
4. That the Hennepin County Sheriff provide transportation of Duane Allen Hart from the Minnesota Correctional Facility at Oak Park Heights to the

Minnesota Security Hospital at St. Peter Regional
Treatment Center as soon as is practical.

5. That the attached Memorandum be incorporated
herein by reference.

BY THE COURT:



Isabel Gomez
Judge of District Court

Dated: This 16th day of
March, 1995.

STATE OF MINNESOTA
COUNTY OF KANDIYOHI

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

In the Matter of
DUANE ALLEN HART,
Respondent.

MEMORANDUM
File No. P5-93-1142

TO: ATTORNEY FOR PETITIONER, M. JACQUELINE REGIS, ASSISTANT
ATTORNEY GENERAL; RESPONDENT AND HIS ATTORNEY, MARILYN
B. KNUDSEN, ESQ.

It is hoped by the trier that its Findings speak for themselves. However, the following areas do not lend themselves to inclusion in findings of fact or law, and it is important to address them.

Dr. Austin's Testimony

The Court has clearly chosen to believe Doctor Hoberman and Dr. Fox over Dr. Austin, in areas where Dr. Austin disagreed with the others. Particularly in view of the petitioner's strong attempt to impeach Dr. Austin's expertise and/or credibility, it seems worthwhile to explain why that is so.

The Court is impressed with Dr. Austin's experience in assessing Minnesota sexual offenders for purposes of determining whether they are "psychopathic personalities." Dr. Austin has the training and expertise to qualify as an

expert in the instant matter. He is a cogent and credible witness.

It appears, however, that Dr. Austin's idea of the Pearson "utterly unable to control" standard is much narrower than that used by the other experts, and that it is narrower than is required by the Supreme Court's stringent 1994 decisions regarding psychopathic personality commitments.

The Court does not agree with Dr. Austin that Hart's imprisonment, although it has shamed and discomforted him, is sufficient, without more, to reduce his dangerousness. This conclusion was rejected specifically by Ralph Cornelia, a psychologist at Lino Lakes, as well as by Hoberman and Fox. Psychological tests do not support the idea that punishment has changed Hart.

Dr. Austin sees Hart as having more control over his sexual urges, under any standard, than is borne out by the evidence. Dr. Austin's account of Hart seems not to encompass adequately the evidence of his impulsivity-his use of force and violence when necessary to fulfill his sexual urges, his life-long rebelliousness and focus on self-gratification, his use of chemicals at whatever risk to himself and others, his extraordinary persistence (in terms of time and energy invested) in satisfying sexual desires, the elevated MMPI "psychopathic deviance" scale, and so on.

Dr. Austin does not fully address the continuing dissonance between Hart's description of his offenses and

the victims' accounts. It is, therefore, easier for him to underestimate Hart's dangerousness and to set out an unpersuasively positive view of Mr. Hart's present ability not to reoffend.

Distinguishing Rickmyer and Schweninger

In Matter of Rickmyer, 519 N.W.2d 188 (Minn. 1994), our Supreme Court found a pedophile who was "more likely than not" to offend, Rickmyer at 190, could not be committed as a psychopathic personality because he was insufficiently dangerous. In Matter of Schweninger, 520 N.W.2d 446 (Minn. App. 1994), our Court of Appeals held that, under Rickmyer, a pedophile whose crimes included penetration (placing his penis in the victim's mouth and ejaculating) could not be committed.

The Rickmyer Court recognized that,

"[t]here may be instances where a pedophile's pattern of sexual misconduct is of such an egregious nature that there is a substantial likelihood of serious physical or mental harm [this Court's emphasis] being inflicted on the victims such as to meet the requirements for commitment as a psychopathic personality." Rickmyer, at 190.

In considering whether a pedophile "meets the requirements for commitment as a psychopathic personality," Rickmyer at 190, it is necessary, at the outset, to think clearly about pedophilia.

Pedophilia is, by far, the most common criminal sexual conduct. Minnesota crime statistics show that the large majority of those arrested and convicted of sex offenses are guilty of victimizing children.

Society has a particularly strong interest in limiting sexual assaults by pedophiles, for at least two reasons. First, their victims are of great value to us, and they are unusually vulnerable and incapable of protecting themselves. Second, it is by now amply clear that most sex offenders were sexually violated as children; pedophilia is at the root of the adult sexual violence that so concerns us as a community.

In assessing what "violence" or "force" mean in the context of pedophilia, it is essential to keep in mind the physical disparities between the offender and the victim. Those who offend against adults often must inflict visible physical wounds or violent threats on their protesting victims to subdue them; this is rarely true when the victims are children. This Court recalls a child protection case in which a man had vaginal intercourse with a three-year-old girl; she could not explain what had happened or complain about it. His offense was noticed only when the child developed the same strain of gonorrhea as he had. Surely, no sane adult would say this little girl had not suffered any violence.

Where homosexual pedophilia is the issue, as in the instant case, it is important to bear in mind that any

penetration involved will not be the penile-vaginal kind that has spelled "rape" over the centuries. Penile-anal penetration strikes most adults as equally violent and frightening. But forced oral penetration, which is the same as the others in the law, is often dismissed as less "violent," simply because it does not lead to torn tissue.

The distinction is one that can be made, but this trier doubts that it ought to be. To do so is to favor homosexual pedophiles, and depreciate their victims' suffering, because of the accident that mouths are a favored sexual orifice of homosexuals. It is to ignore utterly the rage, shame, powerlessness and violation experienced by the victims of such acts, even when, as in Mr. Hart's case, those may constitute an essential factor in a lifetime of deviant acting-out and predation.

Mr. Hart, a pedophile who never had to scar physically any of his victims, should be committed as a psychopathic personality because his "pattern of sexual misconduct is of such an egregious nature that there is a substantial likelihood of serious physical or mental harm being inflicted," Rickmyer, at 190, on the boys he will assault because he is presently unable to stop himself from doing so.

Unlike Rickmyer, Hart is not a man who fondles or spansks unfortunate random children. He terribly damaged several human beings by committing hundreds of sexual acts against boys when they were eight and ten and twelve and

fourteen years of age. He certainly fondled them, squeezed their naked genitals, fellated them and put his penis in their mouths. He probably penetrated them anally. He caused them physical pain and mental anguish. He gave young children alcohol and drugs, he bribed them, he cajoled them, he threatened them, he persuaded them, and he used physical force against them.

Duane Hart has been unable to control his sexual urges since his adolescence. He has been victimizing boys for three decades. Drugs and alcohol and criminal sexual conduct have been Duane Hart's life; they have occupied all the space more fortunate men fill with family, with friends, and with community. Untreated, he can do nothing other than what he has done; and what he has done is truly terrible.

If Duane Hart cannot be committed as a psychopathic personality, then no pedophile who fails to murder his victims ever can be. If that is the true state of the law, then appellate courts would do well to state the truth and spare the resources involved in vainly pursuing such commitments.

JP 3-16-95

STATE OF MINNESOTA
COUNTY OF KANDIYOHI

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DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

In the Matter of
DUANE ALLEN HART,
Respondent.

Memorandum and Order re
Minn. Stat. §253B.02

File No. P5-93-1142

TO: ATTORNEY FOR PETITIONER, M. JACQUELINE REGIS, ASSISTANT
ATTORNEY GENERAL; RESPONDENT AND HIS ATTORNEY, MARILYN B.
KNUDSEN, ESQ.

This case was commenced under Minn. Stat. § 526.09 (1992), the "Psychopathic Personality Commitment Act." Following enactment of Minn. Stat. §253B.02, Sec. 2, Subd. 18b, et seq., the "Sexually Dangerous Person Commitment Act," in September of 1994, the State amended its petition, now seeking to commit the respondent under the new law, as well as the old.

Following this Court's acceptance of the amendment despite the respondent's objections, Hart moved for dismissal of the amended petition on state and federal constitutional grounds. More specifically, the respondent alleges that the Sexually Dangerous Persons Commitment Act does not provide substantive due process, violates equal protection standards, is void for vagueness and undermines various constitutional criminal protections.

In weighing the respondent's claims, this Court is mindful of the respect it owes the legislative branch, as expressed in two principles:

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Statutes are presumed constitutional. In re Haggerty, 448 N.W.2d 363 (Minn. 1989).

Whoever claims a statute is unconstitutional must establish the claim beyond a reasonable doubt. State v. Merrill, 450 N.W.2d 318 (Minn. 1990), cert. denied, 496 U.S. 931 (1990).

Substantive Due Process

It is conceded by the petitioner that civil commitment under either the old "PP" law or under the new "SDP" statute is a massive deprivation of the respondent's personal liberty and that the State must prove a compelling public interest is at stake in order to establish the legality of the deprivation.

I.

The respondent allows that the State does have such "a compelling interest in protecting the public against sexual violence." Respondent's Memorandum to Dismiss Amended Petition, at 9-10. However, Hart argues, citing no authority, that the State may not use civil commitment to serve its compelling interest, unless it can show that he is unreachable under the criminal law.

In In Re Blodgett, Minnesota's Supreme Court rejected a similar claim:

"In the present imperfect state of scientific knowledge, where there are no definitive answers, it would seem a state legislature should be allowed constitutionally . . . to choose either or both [civil and criminal] alternatives"
510 N.W.2d 910, 918 (Minn. 1994).

Further, it appears to this Court that the Minnesota legislature is, in fact, attempting in the SDP commitment process,

to address certain sexually dangerous individuals in a way that they cannot be addressed criminally. That is, the legislature is willing to take an extremely costly approach to approximately 7% of those convicted of sexual predation, by committing them to treatment facilities where they can be safely detained while they are provided with medically-sanctioned therapies designed to reduce their dangerousness. It is worth noting that the treatment services afforded PP and SDP individuals cost more than twice as much per capita as incarceration in Minnesota's most expensive prison setting. See Sex Offender Treatment Program Plan, Content and Sequence, Minnesota Security Hospital; Psychopathic Personality Commitment Law, Office of the Legislative Auditor, State of Minnesota, (1994).

While criminal convicts are offered some similar therapy in the correctional system, many of them, like the respondent here, do not engage in treatment. Although prison therapy might, arguably, be improved to the level of that presently offered in the mental health system, there is no reason for the unmotivated to work at treatment in a determinate sentence state like ours. Under a civil commitment, where engagement in therapy leads to reduced restrictions and eventual release, the stakes are entirely different. See Sex Offender Treatment Program Plan cited supra at 2, 6, 8, 16-17, 29.

There are huge practical barriers to the establishment of the kind of comprehensive, cutting-edge treatment available to sex offenders in the state hospital system in correctional settings. There are equally substantial practical and philosophical

difficulties in re-tooling parts of our determinate-sentencing scheme to create incentives for particularly dangerous sex offenders to engage in therapy.

It is often said that, given the acknowledged difficulty and expense of treating adult recidivist sex offenders, the State should only cage and punish them. This approach presents its own difficulties, since it inevitably leads to greatly-increased sentences for all sex offenders, and/or to very long sentences for offenders who look extraordinary to sentencing judges, who may or may not have the input necessary for a sound decision.

Given the difficulty and cloudiness of the issues raised in this area, it is hardly tempting to second-guess the legislature, where our Supreme Court has declined to do so. In re Blodgett, ibid.

II.

The respondent further asserts that, since the statutory scheme at issue here does not fit into any of the three categories under which deprivation of liberty is permissible that are set forth in Foucha v. Louisiana, 112 S. Ct. 1780 (1992), it is unconstitutional.

The legal reality is that there are more than three such categories. Or, to put it differently, the United States Supreme Court has upheld various governmental plans detaining people for reasons not referenced in Foucha. One notorious example is the Japanese American internments of World War II. Another, more current, example is the detention of Cuban nationals who have been convicted of crimes in the United States, have served their prison sentences and cannot be returned to Cuba.

These cases are cited, not in admiration, but to emphasize that detention rationales cannot be circumscribed as narrowly as the respondent suggests. The statutory scheme at issue here is certainly better justified and more carefully limited than either of the cited detentions.

III.

The most significant difference between the 1994 statute under which the State seeks to commit respondent and the old "PP" law is that the new statute's definition of a committable sex offender, 253B.02, Subd. 18b, specifically eliminates the necessity for the State to prove that the individual suffers from the "utter lack of power to control sexual impulses," per Pearson v. Probate Court, 287 N.W. 297 (Minn. 1939), aff'd State of Minnesota ex rel. Pearson v. Probate Court, 309 U.S. 270 (1940).

The respondent argues that this change, in and of itself, renders the new statute unconstitutional under both Pearson cases.

The petitioner correctly responds that the "lack of power to control" element was read into the old law to save it from a vagueness claim. There is no case law asserting that the element is a per se constitutional requirement.

Of course, the new statute must itself be able to withstand vagueness challenges.

Equal Protection

The Respondent argues that the SDP statute violates his rights to equal protection under the Minnesota and federal constitutions. He claims that the statute makes it easier for him to be committed

and harder for him to gain release than is true of those committed as "mentally ill and dangerous," pursuant to Minn' Stats. 253B.02, subd. 17 and 253B.18. He also claims that he is "treated more harshly than others who are equally likely to engage in sexual violence, but who do not have a 'sexual, personality, or mental disorder or dysfunction.'" Respondent's Memorandum to Dismiss Amended Petition at 29.

This Court agrees with the Respondent that, given that his liberty interests are at stake here, his claim should be evaluated under a strict scrutiny standard. See In re Blodgett, supra, at 917; State v. Russell, 477 N.W.2d 886 (Minn. 1991).

This Court has fully considered the distinctions Hart sees between the "mentally ill and dangerous" commitment/release standards and those contained in the SDP statute. It does not appear that any of the alleged differences are sufficient to invalidate the SDP process. In fact, the commitment standards are substantially the same. Read in context, and given the standards of proof, the "mentally ill and dangerous" law's requirements and the SDP's are indistinguishable as a guide to the committing court.

The one significant difference is that a "mentally ill and dangerous" individual's conduct must have a substantial likelihood of causing "serious physical harm," while an SDP's conduct must have the same likelihood of causing "serious physical or emotional harm." It cannot reasonably be argued in 1995 that serious emotional harm is less damaging than serious physical harm, and that the SDP standard is, therefore, too low or broad in constitutional terms. (The difference is likely derived from the difference in

understanding of damage to victims that exists in the present legislature, as opposed to that in office when the "mentally ill and dangerous" law originated.)

As to the release criteria, it is not clear why the respondent claims that an SDP-committed individual would have more to prove to obtain release than an individual committed as "mentally ill and dangerous" would. People in both categories should be released if they can show, in the disjunctive, that any of the elements instrumental in their commitment no longer obtains.

With regard to the second class of individuals from whom the respondent argues he may not be distinguished, it is well established that the State need not seek to commit all dangerous persons in order to commit some. See Blodgett, supra, at 917. Indeed, given its treatment goals, it would be illogical for Minnesota to try to commit those who have no mental/emotional disorder.

Is the SDP Commitment Act Civil or Criminal?

Respondent claims that the SDP Act is a criminal statute in a civil cloak and that its application to him therefore violates several constitutionally-mandated criminal standards.

Case law is clear that, even when a statute is labelled by the legislative branch as civil, it may nevertheless be found criminal if it is primarily "punitive either in purpose or effect." Allen v. Illinois, 478 U.S. 364, 369 (1986).

The SDP statute at issue here was, like its predecessor, the PP Commitment Act, designated as "civil" by its framers. See SDP Act's

title, Minn. Laws, 1st Special Session 1994, Ch. 1. The SDP Act follows directly from the PP Act and has a rationale and purpose indistinguishable from its predecessor's. See Exhibits A and B to Petitioner's Memorandum of Law, partial transcripts of Minnesota House session on 3/31/94 and House/Senate committee hearings on 8/24/94. The two laws are virtually identical in terms of the process they provide. Persons committed under either law are afforded the same therapy and programming.

The Minnesota Supreme Court has repeatedly held the PP Act to be civil in nature. See State v. Blodgett, supra, at 916; State v. Enebak, 272 N.W.2d 27, 30 (Minn. 1978). This court sees no basis for finding that the SDP Act is criminal, since the only change occurring in the real-life application of commitment principles to sex offenders over time is that the practice is increasingly expensive.

Since the SDP Act is civil, there can be no violation of the respondent's criminal rights in its application to him.

Vagueness

The Respondent asserts that the SDP Commitment Act's definition of "sexually dangerous person," Minn. Stat. sec. 253B.02, Subd. 7a, is void for vagueness.

The definition has three prongs. Hart accepts that the first, which is a finding that the respondent have certain criminal convictions, is sufficiently clear.

He objects to the second and third prongs. The second is a finding that the respondent "has manifested a sexual, personality,

or other mental disorder or dysfunction." Minn. Stat. §253B.02, Subd. 18(B). The third requires the trial court to find that the respondent is likely to engage in "harmful sexual conduct" that "creates a substantial likelihood of serious physical or emotional harm to others." Minn. Stat. §253B.02, Subd. 7a.

Since the SDP law is civil in nature, the respondent must show that the challenged provisions lack "specificity as to his own behavior and not as to some hypothetical situation." State v. Normandale Properties, Inc., 420 N.W.2d 259, 261 (Minn. App. 1988), review denied (Minn. 1988). Accord, State v. Christensen, 439 N.W.2d 389 (Minn. App. 1989), cert. denied, 493 U.S. 936, (U.S. Minn., 1989). It is not surprising that, prior to any finding by this court that the law applies to him at all, Hart has not done so. It appears that the respondent's vagueness challenge is not ripe and that it cannot be addressed at this time.

For the reasons set forth above, this Court draws the following

Conclusion of Law

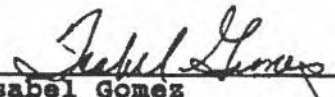
1. The respondent has failed to establish that Minn. Stat. §253B.02, Sec. 2, Subd 18B et seq (1994) violates any of his state or federal constitutional rights.

It is hereby

Ordered

1. That, if either party wishes to present further evidence on the issue of whether Duane Hart should be committed as a sexually dangerous person, pursuant to Minn. Stat. §253B.02, Sec. 2, Subd. 18b et seq (1994), that party is to notify this Court within ten (10) working days of the date this order was signed.
2. If neither party seeks further hearing within ten (10) working days, the Court will forthwith prepare a Decision and Order determining whether Duane Hart is a sexually dangerous person, based on its Findings of Fact in the psychopathic commitment matter.

BY THE COURT:


Isabel Gomez
Judge of District Court

Dated: This 16th day of
March, 1995.

STATE OF MINNESOTA
COUNTY OF KANDIYOHI

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DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Civil File No. 95-93-11423
64 264

In the Matter of
Duane Allen Hart,
Respondent.

PETITION FOR
JUDICIAL COMMITMENT

Bert R. Mohs, residing at the Minnesota Correctional Facility - Lino Lakes (MCF-LL), 7525 Fourth Avenue, Lino Lakes, MN 55014, is interested in the respondent as Associate Superintendent of Operations of MCF-LL, and to the best of his knowledge, information, and belief respectfully represents:

1. Patient was born on July 30, 1947;
2. Patient resides at the Minnesota Correctional Facility - Lino Lakes, and has settlement in Kandiyohi County, Minnesota, for the purpose of judicial commitment;

3. Respondent's nearest kindred are:

Name

Relationship

Marie Hart

Mother

Paynesville, MN

4. The following observations of the patient's behavior provide a factual basis for believing the patient is a psychopathic personality, and in need of hospitalization as more fully set forth in Exhibit A attached;

5. The County Attorney is satisfied that good cause exists for this petition pursuant to Minn. Stat. § 526.10;

6. No suitable alternative to involuntary hospitalization exists because Respondent will not agree to treatment.

KANDIYOHI COUNTY

FILED

This 20 day of Oct. 1993

NOLA J. THILL

COURT REPORTER

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WHEREFORE, petitioner prays the Court commit the respondent, Duane Allen Hart, to Minnesota Security Hospital according to law.

Dated: 10/18/93

Approved by:

M. Jacqueline Regis
M. JACQUELINE REGIS

Assistant Attorney General

Bert R. Mohs
BERT R. MOHS

Petitioner

VERIFIED: Subscribed and sworn
to before me this 15th day of
Oct., 1993.

Lucinda May Sebeck
Notary Public

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EXHIBIT A

IN THE MATTER OF
Duane Allen Hart

Duane Allen Hart (Hart) is currently incarcerated at the Minnesota Correctional Facility - Lino Lakes (MCF-LL) serving two concurrent prison sentences totalling 64 months for six counts of Criminal Sexual Conduct. Following his entering a plea of guilty, Hart was convicted on May 29, 1990 in Kandiyohi County on one count of Criminal Sexual Conduct in the Second Degree, one count of Criminal Sexual Conduct in the Third Degree, and two counts of Criminal Sexual Conduct in the Fourth Degree. Following his entering a plea of guilty, Hart was convicted on August 15, 1990 in Stearns County of one count of Criminal Sexual Conduct in the Second Degree and one count of Criminal Sexual Conduct in the Third Degree.

The basis for Hart's conviction in Kandiyohi County for Second Degree Criminal Sexual Conduct (K5-90-168) is as follows. [redacted] had known Hart for approximately 5 years. Hart often gave [redacted] and several other boys rides to Paynesville and Regal, Minnesota, where he bought them pop. In April or May 1986, Hart offered [redacted] a ride, but instead of picking up the other boys, Hart drove to a gravel road south of Hawick, Minnesota and parked the car. Hart talked to [redacted] about sex, grabbed [redacted] in the groin area and offered to teach [redacted] about sex. [redacted] told Hart that he did not want to learn about sex and to take him home. When [redacted] got out of the car, Hart promised to take him home. Instead, Hart drove a short distance, stopped the vehicle again, talked about giving [redacted] thirty or forty dollars if he would help him with a project, and again grabbed [redacted] in the groin area. Hart then took [redacted] home.

Hart's convictions in Kandiyohi County for Third Degree Criminal Sexual Conduct (K3-90-167) occurred because Hart sexually abused [redacted] on approximately thirty occasions, beginning when [redacted] was approximately 8 years old and continuing until 1984 when [redacted] was 14 years old. Hart used money, alcohol and drugs to

induce . to accompany Hart in his car, or to his fish house on Lake Koronis or his residence near Hawick, Minnesota, where Hart would force . to perform oral sex or would perform oral sex on .

Hart's first convictions in Kandiyohi County for Fourth Degree Criminal Sexual Conduct (K7-90-74) and in Stearns County for Third Degree Criminal Sexual Conduct followed Hart's molestation of . . visited friends during the summer of 1987 at 25961 62nd Street NE, Burbank Township, Kandiyohi County, Minnesota, where Hart rented a room. On at least two separate occasions during the summer, Hart touched 's groin area and squeezed 's penis through his clothing. Hart also attempted to put his hand into 's pants to touch his penis. On one occasion Hart attempted to unbutton 's pants, asking him to "let me do it." On another occasion, Hart pinned ' on a couch and attempted to force his hand into his pants to touch 's penis. During one attack, . attempted to telephone the police, but Hart took the telephone away. Hart also performed fellatio on . on several occasions.

Hart also molested . which resulted in his second conviction in Kandiyohi County for Fourth Degree Criminal Sexual Conduct (K9-90-75) and his conviction in Stearns County for Second Degree Criminal Sexual Conduct (KX-90-1470). During the month of October 1989, . and his family stayed at the Carol Stamp residence, Burbank Township, Kandiyohi County, Minnesota, after a fire destroyed the family's residence. During this period, Hart sexually abused . Hart pinned . on the couch or floor and placed his hands inside s pants and fondled his penis and buttocks on almost a nightly basis. Hart gave . money and told him not to tell anyone about the incidents. Moreover, During the summer of 1987 Hart touched . penis with his hand at least 25 times. On ten or eleven occasions, Hart had sexual contact with . at Hart's fish house, located on the shore of Lake Koronis, Paynesville Township, Stearns County, Minnesota. Hart attempted sexual contact with . in Stearns County fifteen to twenty times by pinning . down

so he was unable to move and putting his hand into [redacted]'s pants. Hart succeeded in touching [redacted]'s penis with his hand in Stearns County on approximately ten times.

Sexual activities to which Hart pled guilty span a period of at least eight years and show a pattern of using alcohol, drugs, money, physical force and intimidation to induce juvenile males to isolated locations where Hart then coerced his victims, to have sexual contact with him.

Since entering the Minnesota Correctional system, Hart has refused treatment. A psychological evaluation of Hart by a prison psychologist revealed that Hart presents a strong risk for re-offending. Hart's criminal history of sexual misconduct, his recidivist tendencies and his refusal of treatment demonstrate he is irresponsible for personal conduct with respect to sexual matters and thereby dangerous to other persons, as a result of emotional instability, impulsiveness of behavior, lack of customary standards of good judgment, and failure to appreciate the consequences of personal acts. All of these conditions together demonstrate that Hart is a psychopathic personality as defined by Minn. Stat. § 526.09 (1992).

AFFIDAVIT OF SERVICE BY MAIL

Re: In the Matter of Duane Allen Hart

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.

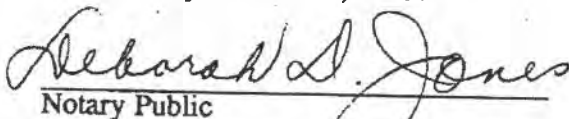
PAULA M. BASTIAN, being first duly sworn, deposes and says:

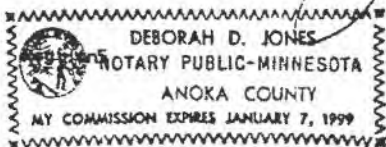
That at the City of St. Paul, County of Ramsey and State of Minnesota, on October 18, 1993, she served the attached Petition for Judicial Commitment with attached Exhibit A; Notice of Motion and Motion for the Production of Records; and proposed Order, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

Duane Allen Hart
Minnesota Correctional Facility
- Lino Lakes
7525 Fourth Avenue
Lino Lakes, Minnesota 55014


PAULA M. BASTIAN

Subscribed and sworn to before me
this 18th day of October, 1993.


Notary Public



State of Minnesota County of Ramsey

LAW ENFORCEMENT COPY District Court

D/1051

CCT	LIST CHARGE STATUTE ONLY	M.O.C.	COC
1	609.342, subds. 1(h)(iii) & 2	L1874	N

✓ if more than 6 counts (see attached)

✓ if domestic assault

CTY. ATTY.
FILE NO.

CONTROLLING
AGENCY
0620900

CONTROL NO.
97117248

COURT FILE NO.

DATE FILED

Tab Charge Previously Filed

Amended

SUMMONS

X SERIOUS FELONY

X WARRANT

FELONY

X ORDER OF DETENTION

GROSS MISDM DWI

GROSS MISDM

Date of Birth

SJIS COMPLAINT NUMBER
RAMSEY COUNTY

09/07/52

62-11-9-105789

State of Minnesota

VS.

PLAINTIFF,

NAME: first, middle, last

DAVID PAUL WEISS
(In ADC)
1542 Carroll Ave.
St. Paul, MN

DEFENDANT.

COMPLAINT

Your Complainant, being first duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

✓ Our complainant is a St. Paul police officer, and he bases this complaint on his review of police reports and his own investigation.

a juvenile male, born informed St. Paul Police that an adult by the name of DAVID PAUL WEISS had engaged in sexual activity with him when he was under the age of 16. told police that MR. WEISS was considered by him as his mentor and that he had taken him on camping trips and trips to Rochester, Minn., and New Ulm, Minn. further stated that between August of 1996 and July 1997, MR. WEISS had masturbated with his hand on a number of occasions; and on two occasions, MR. WEISS had placed his penis in mouth. All sexual incidents occurred in Ramsey County, Minn. at 1542 Carroll Ave., the residence of MR. WEISS.

mother informed police that was allowed to stay with MR. WEISS at his residence in St. Paul for periods of time because, since her divorce, MR. WEISS was a father figure to the boy. Trips with the boy were with parental permission.

MR. WEISS was arrested and interviewed by the St. Paul Police. MR. WEISS admitted he knew was under the age of 16 and admitted sexual contact and penetration with over the time period indicated by He further indicated that this sexual activity took place at MR. WEISS' residence where stayed for periods of time.

D/1052

[illegible]

SJIS COMPLAINT NUMBER(S)

62-11-9-105789

That between August of 1996 through July of 1997, in Ramsey County, Minnesota Minnesota, defendant **DAVID PAUL WEISS** did wrongfully and unlawfully engage in sexual penetration with a person under the age of 16, while having a significant relationship to the victim; and the sexual abuse involved multiple acts committed over an extended period of time,

Said acts constituting the offense of CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE in violation of Minnesota Statute § 609.342, subd. 1(h)(iii) and subd. 2
Maximum sentence: 30 years

(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or

(2) detained, if already in custody, pending further proceedings;

and that said Defendant otherwise be dealt with according to law.

COMPLAINANTS SIGNATURE:

CREGG BRACKMAN

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

VTE:

August 7, 1997

PROSECUTING ATTORNEY'S SIGNATURE:

NAME/TITLE:

ADDRESS/TELEPHONE:

JAMES R. KONEN
1-2 Assistant Ramsey County Attorney

50 West Kellogg Boulevard, #315
St. Paul, MN 55102 266-3080

9702

Court Case #:

PAGE 3 ⁰¹¹⁰⁵³
of 3

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____

NAME:

SIGNATURE:

TITLE:

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant (s) arrest or other lawful steps be taken to obtain Defendant (s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant (s) is/are charged with the above-stated offense.

SUMMONS

☐ THEREFORE, You, THE ABOVE NAMED DEFENDANT (S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 19____ at 1:30 AM/PM before the above named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

☒ EXECUTE IN MINNESOTA ONLY

☐ To the sheriff of the above named county; or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant (s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

☒ Since the above-named Defendant (s) is/are already in custody, I hereby order; subject to bail or conditions of release, that above-named Defendant (s) continue to be detained pending further proceedings.

Bail: \$250,000

Conditions of Release: N/C with victim or witnesses

This COMPLAINT, ~~WARRANT~~, WARRANT, ORDER OF DETENTION, duly subscribed and sworn to, issued by the undersigned Judicial Officer this 7th day of August, 1997

NAME:

SIGNATURE:

TITLE:

Sworn testimony has been given before the Judicial Officer, by the following witnesses:

STATE OF MINNESOTA COUNTY OF RAMSEY

State of Minnesota

Plaintiff,

vs.

DAVID PAUL WEISS

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - ~~WARRANT~~, WARRANT, ORDER OF DETENTION upon the Defendant (s) herein named.

9703

State of Minnesota **County of Dakota** **District Court**

CCT	LIST CHARGE STATUTE ONLY	MOC	GOC	CTY ATTY FILE NO	CONTROLLING AGENCY	CONTROL NO
I	609 344, 1(b), 2	L5374	N	CA-01-1541	MN0190300	01007111
II	609 635, 1(b), 2	L7374	N			
III	152 025, 2(1), 3(a)	DH540	N			
IV	609 343, 1 (2)	L3372	N			

☐ Domestic Assault

State of Minnesota,

☐ Amended

COURT CASE NO. **KX-01-2278** DATE FILED **7-27-01**
☐ Tab Charge Previously Filed

vs

PLAINTIFF,

☐ Serious Felony
☒ Felony
☐ Gross MisdM DWI
☐ Gross MisdM

☐ SUMMONS
☐ WARRANT
☒ ORDER OF DETENTION

NAME first, middle, last
DARRIN LEE ROSE

Date of Birth
 12-11-63

SJIS Complaint Number
 19-11-7-054581

DEFENDANT.

COMPLAINT

The Complainant being duly sworn to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE

I, the undersigned, am an Investigator with the Hastings Police Department. I have investigated this matter, read the reports of others and state the following to be true. On June 22, 2001, , an adult male, came to the Hastings Police Department to report suspicious activity occurring at 501 Westview Drive, Apartment #210, in the City of Hastings, Dakota County, Minnesota. stated that he had been talking to a group of juvenile males, approximately 12-14 years old, when he learned that they had been going up to the apartment of Darrin Lee Rose, date of birth 12-11-63, the defendant herein, where they would "hang out". They described the defendant's apartment as a safe house for kids. stated that the juveniles told him that the defendant would ask them to take off their pants and ask them to perform oral sex.

On July 23, 2001, Investigator Tollefson spoke with victim #1, a 14 year old male, who said that two to three weeks earlier he had been at the defendant's residence. Victim #1 stated that the defendant turned on a pornographic video and then locked the door to the apartment. Victim #1 stated that defendant then asked him to take off his pants. Victim #1 stated that defendant then masturbated him, and that he in turn masturbated the defendant, both times manual masturbation. Victim #1 stated that the defendant threatened to hurt him if he ever told anyone. In a subsequent

COMPLAINT SUPPLEMENT

PAGE 2

SJIS #19-11-7-054581

interview with Victim #1, he stated that the defendant had gay videos but he did not know if those came from the Spice channel or if they were videotapes. Victim #1 also stated he had seen marijuana in the residence in plain view and that defendant had offered marijuana to him.

On July 25, 2001, Investigator Tollefson interviewed Victim #2, a 15-year-old male. Victim #2 stated approximately 2-3 months earlier the defendant started asking him and his younger brother for "BJs and stuff" and other sexual favors. Victim #2 stated that approximately 2 months ago he and his brother were at the defendant's and that the defendant told them that they could not leave the apartment until they performed sexual acts for him. Both Victim #2 and his brother stated they were fearful because the defendant is a lot bigger than they are and they did not want to fight him. Victim #2 stated that defendant performed oral sex on him and that his brother was present in the room. Victim #2 stated that while this was happening, the defendant had a pornographic movie on the TV set.

On July 25, 2001, Investigator Tollefson interviewed Victim #3, a 12-year-old male. Victim #3 stated that he had been over to the defendant's home on 6 or 7 occasions and that he had seen pornographic movies over there. Victim #3 stated that he had known or met the defendant last fall and that in one of the earlier visits while the defendant was showing pornographic movies on the TV the defendant touched him up on his thigh area by his genitals. Victim #3 also verified the incident with Victim #2, his older brother, in which the defendant performed oral sex on Victim #2.

Based upon the information received from victims #1 and #2 as well as other witnesses, a search warrant was drafted for the defendant's apartment and executed on July 26, 2001. Several video tapes were seized along with a cable box for the TV. Also found were seven clear plastic bags containing suspected marijuana. A subsequent field testing showed positive for marijuana and the total weight of the seven bags was 199 grams. The defendant came home during the execution of the search warrant and was subsequently arrested and transported to the Hastings Police Department.

After being advised of his rights per Miranda, the defendant agreed to speak with me. In his statement, the defendant admitted that he had quite a bit of marijuana in his place and stated "I wished I would have thrown it out". The defendant also admitted that he had put it into several different baggies. The defendant admitted that several kids went up to his place to watch TV and smoke cigarettes. The defendant admitted that he also let them watch pornographic movies. The defendant admitted that the cable box he had was an illegal cable hookup. The defendant

I/371

COMPLAINT SUPPLEMENT

SJIS #19-11-7-054581

PAGE 3

also stated "Okay, I want to say this, and then maybe we better get a lawyer Um, if anyone's watched porno, if anyone's ever undressed themselves or jacked off in my house, they have did it themselves They exposed themselves"

OFFENSE

COUNT 1 - CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE

609 344, SUBD 1(b), subd 2, 609 101

0-15 years and/or \$9,000-\$30,000

That on or about May, June or July, 2001, in Dakota County, Minnesota, DARRIN LEE ROSE did engage in sexual penetration with another person who was at least 13 years old but less than 16 years of age and the actor was more than 24 months older than the victim

I/372

COMPLAINT SUPPLEMENT

SJIS #19-11-7-054581

PAGE 4

COUNT II - CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE

609 345, SUBD 1(b), subd 2, 609 101

0-10 years and/or \$6,000-\$20,000

That on or about June or July, 2001, in Dakota County, Minnesota, DARRIN LEE ROSE did engage in sexual contact with another person who was at least 13 years old but less than 16 years of age and the actor was more than 48 months older than the victim

PB-2

COUNT III - CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE

MS §152.025, subd 2(1), subd 3(a), 609 101

0-5 years and/or \$3,000-\$10,000

That on or about July 26, 2001, in Dakota County, Minnesota, DARRIN LEE ROSE did unlawfully possess one or more mixtures containing a controlled substance classified in Schedule I containing marijuana

PB-3

COUNT IV - CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE

609 343 SUBD 1(a) subd 2, 609 101

0-25 years and/or \$10,500-\$35,000

That between September 2000 and July, 2001, in Dakota County, Minnesota, DARRIN LEE ROSE did engage in sexual contact with another person who was ^{under} at least 13 years old of age and the actor was more than 36 months older than the victim

PB-1

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be

- (1) arrested or that other lawful steps be taken to obtain defendant's appearance in court, or
- (2) detained, if already in custody, pending further proceedings, and that said Defendant otherwise be dealt with according to law

COMPLAINANT'S NAME

COMPLAINANT'S SIGNATURE

James K. Rose

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE

July 27, 2001

PROSECUTING ATTORNEY'S SIGNATURE

Debra E. Schmidt

PROSECUTING ATTORNEY

NAME/TITLE

Debra E. Schmidt
Assistant County Attorney
Attorney Registration #44532

ADDRESS/TELEPHONE

Judicial Center, Hastings, MN 55033
651-438-4438

I/373

SJIS #19-11-7-054581

COMPLAINT SUPPLEMENT

PAGE 5

Court Case #

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME _____

SIGNATURE _____

TITLE _____

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention if already in custody, pending further proceedings. The Defendant(s) is/are therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county, or other person authorized to execute this WARRANT, I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

X

ORDER OF DETENTION

Since the above-named Defendant(s) is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail _____

Conditions of Release _____

This COMPLAINT (SUMMONS, WARRANT, ORDER OF DETENTION), duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

JUDICIAL OFFICER

NAME _____

MARY E PAWLENTY

TITLE _____

JUDGE OF DISTRICT COURT

SIGNATURE _____

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA

COUNTY OF DAKOTA

State of Minnesota

Plaintiff:

vs

Darrin Lee Rose
501 Westview Dr Apt. 210
Hastings, MN 55033

Defendant(s):

FILED

DAKOTA COUNTY

Clerk's Signature or File Stamp

VAN A. GROSTROM, Co. 1 A. Instructor

JUL 27 2001

RETURN OF SERVICE

BY:

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant herein-named.
Signature of Authorized Service Agent _____

I/374

End1 Label	End2 Label	Date	Time	Length	Call Origin
103271 Rose, Darrin Lee	612 2090944	11/20/2012✓	12:18:53 PM	6	5
103271 Rose, Darrin Lee	612 2090944	11/21/2012✓	3:09:42 PM	10	5
103271 Rose, Darrin Lee	651 3190304	11/22/2012✓	9:51:37 PM	5	5
103271 Rose, Darrin Lee	612 2090944	11/24/2012✓	2:01:15 PM	15	5
103271 Rose, Darrin Lee	651 3190304	11/24/2012✓	2:25:57 PM	3	5
103271 Rose, Darrin Lee	612 4921507	11/24/2012✓	2:34:30 PM	14	5
103271 Rose, Darrin Lee	612 5484886	11/25/2012✓	8:46:51 PM	15	5
103271 Rose, Darrin Lee	612 2090944	11/27/2012✓	10:05:51 AM	2	5
103271 Rose, Darrin Lee	612 2090944	11/29/2012✓	3:07:07 PM	11	5
103271 Rose, Darrin Lee	612 2090944	11/30/2012	3:06:47 PM	10	5
103271 Rose, Darrin Lee	612 5688620	11/30/2012	3:18:21 PM	1	5
103271 Rose, Darrin Lee	612 5484886	12/2/2012	9:03:08 PM	15	5
103271 Rose, Darrin Lee	608 7803842	12/4/2012	8:52:00 AM	7	5
103271 Rose, Darrin Lee	612 5688620	12/4/2012	9:02:03 AM	11	5
103271 Rose, Darrin Lee	612 2090944	12/4/2012	10:09:59 AM	1	5
103271 Rose, Darrin Lee	612 2090944	12/4/2012	3:04:51 PM	9	5
103271 Rose, Darrin Lee	612 2090944	12/6/2012	3:04:31 PM	6	5

141

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

STATE OF MINNESOTA)
) SS.
COUNTY OF STEARNS)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as
Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NWY-s of NE~); that part of the Southwest Quarter of the Northeast Quarter (SWv.. ofNE~) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt ofNEv..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SWv.. ofNEY4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NEY.. of NW~) and the South 50 acres of West Half of the Northwest Quarter (WYz ofNW14) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz ofSEY4 ofNE~), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NWv.. ofNWv..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NWv.. of NW~); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt ofNWv..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE~ ofNW14 of Section 14, Township 124, Range 29.
and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER

4/87

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 23 years, the last 20 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, age 10, and a mutual friend, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away (see Appendixes A, B, C and D, attached hereto and hereby incorporated herein). The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms.

When and were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. described hearing footsteps in the gravel driveway as they approached. then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped and he said his age, then and then Jacob. He then told to run in the woods or he would shoot. Next he looked at face and told him the same. The boys did as they were told.

and then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

At the time of the abduction, Daniel Alfred Rassier, DOB: 10/25/55, was living with his parents, Robert and Rita Rassier at the residence at 29748 - 91st Avenue. However, at the time of the

abduction, Robert and Rita Rassier were vacationing in Europe. Therefore, Daniel Rassier was the only individual at the residence at that time.

That night, October 22, 1989, Dan Rassier was interviewed by law enforcement. He described a vehicle, a large tan or yellow dirty car, turning around in his driveway earlier that day, between 11:30 a.m. and 4:00 p.m.. He said the vehicle left his residence at a high rate of speed.

Also that night, on October 22, 1989, Rassier said he saw another vehicle turn around at his residence between 9:00 and 10:00 p.m., describing it as a smaller dark blue vehicle, coming into his driveway, turning around, and leaving. He said the headlights were on and the driver may have had them on dim, and he thought the style was similar to a Chevette. He said he saw something on the driver's side, and thought it was a flashlight or a reflection from the yard light. When later interviewed in November 1989, Rassier claimed that he may have seen Jacob in the front seat of that car.

In October of 1989, Kevin Hamilton said he did report to authorities that he heard over his police radio scanner that a child had been abducted near the Rassier farm. He did get in his vehicle, described as a midsize silver car, and go to the Rassier farm, drive up the driveway, turn around and leave. Hamilton said that this was reported to a St. Joseph police officer, but the information apparently did not get into the investigative file at that time. Kevin Hamilton came forward a second time on October 21, 2003 and did provide law enforcement with his recollection of what he did that evening. It is believed that the Hamilton vehicle is the one described by Rassier as being in his driveway between 9 and 10 p.m. on October 22, 1989.

On October 24, 1989 at 1:00 p.m., Detective Boeckers of the Stearns County Sheriff's Department interviewed Daniel Rassier at the junior high school in Cold Spring, Minnesota. During that interview, Rassier indicated that he lives at the farm with his parents, Robert and Rita Rassier, who were currently away on vacation on an extended trip to Europe.

Rassier recalled that on the evening of the abduction, he had been home performing a typing project in the upper level of the residence. Rassier stated that between 9:00 and 9:30 p.m., the family dog began barking. At that time he observed a vehicle enter the driveway, turn around, and leave. Rassier indicated that the vehicle was driving at a faster than normal rate of speed and provided the above described blue vehicle description to Detective Boeckers. Rassier also advised that earlier in the day he had seen a larger vehicle turn around in his driveway.

Later on October 24, 1989, Detective Boeckers and FBI Agent Temper re-contacted Rassier for the purpose of obtaining photographs of Rassier's vehicle for comparison to the vehicle tracks in his driveway. Detective Boeckers' reports indicate that Agent Temper also interviewed Rassier again regarding his activity during the day of October 22, 1989.

On October 28, 1989, at 10:40 a.m., Detective Boeckers re-interviewed Daniel Rassier at his residence. Detective Boecker reports that upon arriving at the residence, Daniel Rassier displayed various shoes that he had worn on October 22, 1989. It was the officer's opinion that none of the shoe patterns were consistent with the shoe impressions found on the driveway near where the child had been abducted.

Upon questioning, Rassier provided Detective Boeckers with a more complete description of his activities on October 22, 1989. Rassier described many activities within the St. Cloud area, then returning to his residence at approximately 6:00 p.m. Once again, he described the typing project for school. The interview and overall investigation shows that Rassier likes to be organized. He reported that between 9:00 and 10:00 p.m., he observed a vehicle enter his driveway and turn around. At approximately 10:45 p.m. Rassier said he went to bed. Shortly thereafter, he heard his dog named Smokey begin barking. Rassier got up, and observed a flashlight in the southwest direction from his house near a woodpile. Rassier indicated that shortly thereafter he called 9-1-1, at which time he was informed by the dispatchers that members of the sheriff's office were present at his residence. Rassier stated that at that point he left his residence and spoke with officers at the scene for a short period of time. It is confirmed through police reports that Rassier did call 9-1-1 and speak with responding law enforcement officers that night. Rassier said that he then returned home and checked a number of outbuildings on the property, including a shed, a tree house, the hay barn, a shop, and the milk house. Rassier said that at about 2:00 a.m. he returned to his residence and went to bed. Rassier did not contact any other individuals in regard to learning of the abduction.

Rassier indicated that at 6:45 a.m. on October 23, 1989, he woke up, went to the milk house to feed the cats and let the horses out. At 7:30 a.m. Rassier left the residence and spoke briefly with a deputy sheriff at the scene while leaving, arriving at school at 7:55 a.m. and returning home from work at 4:10 p.m.

On October 28, 1989, at 1:10 p.m., officers asked for consent to search the Rassier residence. They obtained permission from Robert Rassier and Dan Rassier to search their house. Investigators searched the Rassier home, terminating the search at 2:15 p.m. During the search, nothing was seized from the Rassier residence.

On October 28, 1989, FBI agents interviewed Dena Boettcher. Boettcher indicated that she was a teacher at Cold Spring (ROCORI) High School and was acquainted with Dan Rassier, also a teacher at the school. She indicated that she had gone on one or two dates with Rassier. She recalled one date going to a Twins game with other couples. She said Rassier did not want to interact with the other couples. On another occasion, they went to a drive-in movie and then had a long conversation at her residence. At one point she asked Rassier if he had ever had sex. Rassier advised her that at the time he believed he had a double personality and that his other self had had sex.

On November 11, 1989, Detective Whipple from the Benton County Sheriff's Office contacted Daniel Rassier and re-interviewed him with FBI Special Agent Al Garber. The interview was in regard to Rassier making comments at school about the Wetterling case. The comments were determined by the officers to be inconsequential. Rassier also provided investigators with two of his best friends' names, both of whom were male. Rassier further indicated that he had no female friends that he socialized with and overall had very little social life.

On November 27, 1989, Dr. John Rhetts, a licensed consulting psychologist, conducted a hypnotic interview with Daniel Rassier. The purpose of the interview was to enhance Rassier's

recollection of the two vehicles he observed turning around on his property on October 22, 1989. This interview was a volunteer hypnotic interview and was videotaped.

In January of 2004, your affiant and Captain Pam Jensen of the Stearns County Sheriff's Department reviewed the video tape of the hypnotic interview Rassier provided on November 27, 1989. Your affiant and Captain Jensen also listened to the 9-1-1 tape in which describes the events that occurred. Your affiant and Captain Jensen also reviewed the information in regard to Kevin Hamilton, the driver who had turned around in the Rassier driveway on October 22, 1989, who had came forward the second time, and who was subsequently eliminated as a suspect in the child abduction investigation.

On February 7, 2004 at 2:00 p.m., your affiant and Captain Jensen interviewed Daniel Rassier in regard to the current Hamilton vehicle information. Daniel Rassier voluntarily came to the Stearns County Sheriff's Department for this purpose. Your affiant and Captain Jensen reviewed the hypnotic interview with Rassier to refresh his memory, pointing out the primary objective of the hypnotic interview at the time was to see if more detailed information could be obtained about the vehicles that turned around in his driveway. However, upon having the vehicle in question investigated and eliminated as being suspect, your affiant and Captain Jensen reviewed the hypnotic interview with Rassier from that perspective, with the vehicle being eliminated. From this perspective, there were comments and reactions Rassier made throughout the hypnotic interview that raised new questions as to Rassier being the suspect/abductor. Your affiant and Captain Jensen told Rassier that they wished to discuss some of these observations with Rassier, including Rassier listing details of his activities throughout the day into the evening hours of October 22, 1989, stating examples of typing out cards, and getting ready for class the following Monday morning. The hypnotic interview showed that Rassier is very detail oriented, and in the interview, Rassier gave extensive details regarding this planning, quoting "I enjoy getting everything perfect... so I feel good about it." However, during the part of the hypnotic interview covering the time frame in which Jacob was abducted, Rassier said he lost track of time. Once the abduction time frame was over, he became more detailed in his recollection of what occurred that evening.

Also during the hypnotic interview from November 27, 1989, Rassier described how he knew a car was coming up the driveway because his dog Smokey began barking. Rassier described looking out the upstairs window, watching the vehicle coming into view. At this point in the hypnotic interview, Rassier began crying. Rassier said he ran from room to room to watch the vehicle. Rassier was very upset and notably shaking when he was discussing this. Rassier stated that if a perpetrator wanted Jacob he would have gotten him eventually. Rassier described that as the vehicle went up the driveway and turned around, that the driver might be an abductor. Rassier also said in this hypnotic interview that he may have seen Jacob with a flashlight as the car went by. When the car left, Rassier said that Smokey quit barking, and Rassier went to bed.

Further on in the hypnotic interview, Rassier recalled hearing Smokey bark again. He jumped up, looked out his window and saw spotlights down by the wood pile. Rassier commented that he was very nervous and could not get dressed and that he was very scared and in big trouble. Rassier also stated that he turned the lights off. In this hypnotic interview, Rassier seemed overly concerned about a vehicle coming in the driveway.

Continuing in the hypnotic interview, Rassier said that he called 9-1-1 and spoke with a dispatcher and learned that a boy had been abducted. He said that Smokey kept barking at the lights and he could not sleep. He was wondering why law enforcement were not looking in the out buildings. Rassier said he eventually went out and spoke with law enforcement and at that time Rassier said he went back and looked in the tree house.

Moving then to the interview in February 2004 in which your affiant and Captain Jensen discussed the contents of the videotaped hypnotic interview from 1989 with Rassier, Rassier commented that the dog Smokey would bark at any activity that occurred at the end of the driveway. Smokey would not bark if he was familiar with the person. Your affiant and Captain Jensen pointed out that Rassier said he had watched the vehicle come from the end of the driveway, turn around and leave, and that Smokey was barking at that time, so why wouldn't Smokey be barking during the time in which Jacob was being abducted? Rassier would not provide a definitive answer.

During the hypnotic interview, Rassier was asked if he knew Jacob Wetterling. Rassier indicated no and then began crying, stating he didn't think he would do this. During the hypnotic interview, Rassier's emotions were stable during the questioning about the vehicle or as he recalled the events throughout the day, however during the period in which the questions turned to Jacob's abduction, he began crying and shaking, then would recover and stop crying when questions were not related to the actual abduction. When he was asked about Jacob Wetterling again, he would again start crying.

Your affiant and Captain Jensen explained to Rassier that the boys' trip to the convenience store was not on a regular basis. Very few people knew that they were going there on the evening of October 22, 1989. It was pointed out that _____ said that when they rode by the Rassiers' driveway on the way to the video store, they heard some rustling in the weeds, and it startled all the boys and they rode their bikes and scooter faster. On the way back from the convenience store they were carrying a flashlight. As they approached the Rassier driveway, _____ said his first sense of the abductor was that he heard someone walking down the Rassier driveway on the gravel. The abductor appeared from that area and stopped them. _____ looked up the driveway and saw no vehicle and did not mention any barking dog at the time. The commands from the abductor were very precise.

It was therefore pointed out to Rassier that it was the investigators' opinion that the abductor came from the Rassier farm and no vehicle was used. It was also pointed out to Rassier that it was the investigators' opinion that whoever abducted Jacob Wetterling had to have been from the area and that no vehicles came up the road from behind the boys as they were returning from the store. It was also pointed out that in reviewing the 9-1-1 tape, dispatchers may have inadvertently been somewhat leading with the boys, citing, for example, that the abductor had a raspy voice or questioning if in fact he had a gun. Upon pointing out some of these facts, your affiant and Captain Jensen accused Rassier of taking Jacob Wetterling. Rassier did not have much of a reaction to that. However, he continuously went back to the fact that it must have been the person that turned around in the driveway. Beyond that, during the 2004 interview, Rassier never directly addressed the accusation. When confronted, Rassier would repeatedly

respond by indicating that it must have been the vehicle that turned around earlier in the afternoon. Rassier refused to allow your affiant or Captain Jensen to eliminate the vehicles as an option in the abduction.

Rassier did admit to your affiant and Captain Jensen that if he did take Jacob he would have plenty of time and locations to dispose of him on his farm. He said he felt law enforcement made mistakes by not searching his place until approximately four or five days after the abduction. It is your affiant's and Captain Jensen's opinion that Rassier seemed to be enjoying this part of the conversation, smirking at times, also noting that investigators had one problem, they had no physical evidence.

It was also pointed out to Rassier that if a child was abducted from the end of a person's driveway and law enforcement was present, why would he not contact any friends or relatives and eventually tell them about this traumatic event. Rassier made no comment about this.

On February 12, 2004, at 9:00 a.m., your affiant along with Investigator Troy Jansky went to the Rassier farm and spoke with Rita and Robert Rassier. Your affiant and Detective Jansky explained to Robert and Rita Rassier that they felt their son Dan was a suspect in the abduction of Jacob Wetterling. The Rassiers did not show much emotion after being presented this information. Robert Rassier did indicate that his son had told him that law enforcement no longer believed the vehicle that turned around in the driveway was the abductor. Robert stated that his son did make a comment that "Dad even if I did do it I had all kinds of time to get away with it" and that Dan was upset and voiced frustration with the sloppy police work that was conducted.

Your affiant and Detective Jansky inquired if Dan Rassier used a computer within the home. Rita Rassier indicated that there was a computer they shared that was kept in the basement that did have internet access. Your affiant and Detective Jansky obtained permission to search the computer to determine what had been viewed on the internet. While searching the computer, your affiant did not find any type of inappropriate material on the computer. However, during the time of this review of the computer, Rita Rassier voluntarily began making comments that if her son Dan did take Jacob Wetterling, she would provide theories on how he would do this.

Your affiant along with other law enforcement visually watched Daniel Rassier from October 15 through October 19, 2007 to obtain a better understanding of his daily activities. In summary, Rassier would leave his residence early in the morning and go to the school at Rocori where he is employed as a teacher. He'd often stay there until seven or eight at night and return home. Occasionally, on Tuesday or Wednesday nights he went to the Saint Benedict Center to play his musical instrument along with a small group of other musicians, or went to the Midwest Athletic Club in St. Cloud to exercise. No other friends or associates were noted during this timeframe.

On November 7, 2007, your affiant applied for a mail cover through the U.S. Postal Service for Dan Rassier and the address of 29748 - 91st Avenue, St. Joseph, noting that the mailing address has changed since the time of the abduction. Your affiant did receive copies of mail during the timeframe of December 11, 2007 through January 9, 2008. Your affiant reviewed the mail which Dan Rassier was receiving. Even though this time period was during the holidays, Rassier

received only one piece of mail that may have been a Christmas card and did not receive any other inappropriate mail during the timeframe.

In October of 2009, your affiant along with Captain Jensen communicated with Patty and Jerry Wetterling in regard to having Patty Wetterling wear a recording device and meet with Dan Rassier. It was decided that the meeting would be under the pretense that Patty would accidentally run into Dan and have a conversation with him.

On October 20, 2009, Patty Wetterling, wearing a body recording device and being monitored by law enforcement, met with Dan Rassier as he was coming out of a health club in St. Cloud. During the conversation, Rassier told Patty Wetterling about the car turning around in his driveway and that he felt he saw Jacob looking out the window of the car.

Patty asked Rassier if he knew what happened to Jacob. Rassier responded no, no one knows for sure, I do know that the driver of the car was the person who did it. During the conversation Patty Wetterling asked where Jacob could be. Rassier said that he has this fear in the back of his mind, and that the police have made him feel so guilty, to the extent that if other people were aware of that they could go on his property and bury Jacob, then commenting that "he would be dead," making reference to being in trouble with law enforcement. Patty Wetterling commented that nobody could come on your property and bury him without you knowing. Rassier responded by indicating they could do it easy, further commenting that they could park their car somewhere and just walk through the woods and bury him.

Rassier mentioned that law enforcement did dig around in a gravel pit on their property looking for Wetterling, indicating they only messed it up, and if someone would have buried a body back there they would never have found it the way they did it.

Patty questioned Rassier saying "well you dig around there a lot, did you ever find a body?" Rassier responded "I found a dog because I dug it up because I actually thought it was Jacob", stating this was located in a known sunken part of the property. Patty Wetterling then questioned why he was digging in the gravel. Rassier responded that he recycles cans and that was his favorite area, as they used to throw metal in that area.

During the conversation, Patty Wetterling made a comment that whoever did it has had a life of hell. Rassier commented, "I think the person that did it is probably dead."

Patty informed Rassier that the person came from his driveway and that he was carrying a gun. Rassier questioned whether the boys really did see a gun. Wetterling also described having a flashlight. Rassier questioned having had a flashlight, and asked if the abductor told him to turn off the flashlight. Rassier also questioned whether it was possible the guy did not have a mask on, and whether the abductor had a hat on. Rassier also questioned Wetterling whether or not the boys recognized the abductor's voice.

On March 19, 2010 Patty and Jerry Wetterling went to the Rassier farm to speak with Robert and Rita Rassier. As part of the conversation Patty mentioned that she had spoken with Dan in October. The parents indicated that Dan made no mention of this conversation.

Based on your affiant's training and experience, and based upon this summary of facts known through this entire investigation dating back to 1989, your affiant has reason to believe and does believe that the remains and/or clothing of Jacob Wetterling and other items described will be found on the described property, and thus requests this warrant to search the above described property for these described items.

In summary, the victims describe hearing something in the weeds as they passed the abduction site heading towards town. The abduction occurred at the end of the Rassier driveway, the property your affiant seeks permission to search. The suspect, Daniel Rassier was home alone at the time of the crime. The other victims describe seeing no vehicles, not hearing a dog barking, and noted that the abductor came from the driveway of the Rassier farm. The abductor appeared to be detail orientated and Rassier has the same traits. Rassier has stated that he has a double personality. Shortly after the abduction, in the context of the hypnotic interview, Rassier commented he was very scared and in big trouble. Also during the hypnotic interview, Rassier was very detailed in describing his day on October 22, 1989, until the time of the abduction. Rassier has admitted there are plenty of places on the farm to dispose of a body. He also has expressed concerns that Jacob Wetterling may be buried on the farm which is the described property in this application.

Your affiant along with others under his direction and control seek permission to search the land and outbuildings described, beginning with less invasive methods of searching but continuing, if necessary, using all resources available to locate the subject items of the search.

Your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as

Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NWY-s of NE-); that part of the Southwest Quarter of the Northeast Quarter (SWv.. of NE-) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt of NEv..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods

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4/96

West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SWv.. of NEY4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NEY.. of NW~) and the South 50 acres of West Half of the Northwest Quarter (WYz of NW14) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz of SEY4 of NE~), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NWv.. of NWv..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NWv.. of NW~); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt of NWv..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE~ of NW14 of Section 14, Township 124, Range 29.

and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D, all located in the Township of St. Joseph, County of Stearns, State of Minnesota.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, and/or Deputy Nate Watson, and/or Deputy Steve Mathews, and/or FBI Special Agent Shane Ball, and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

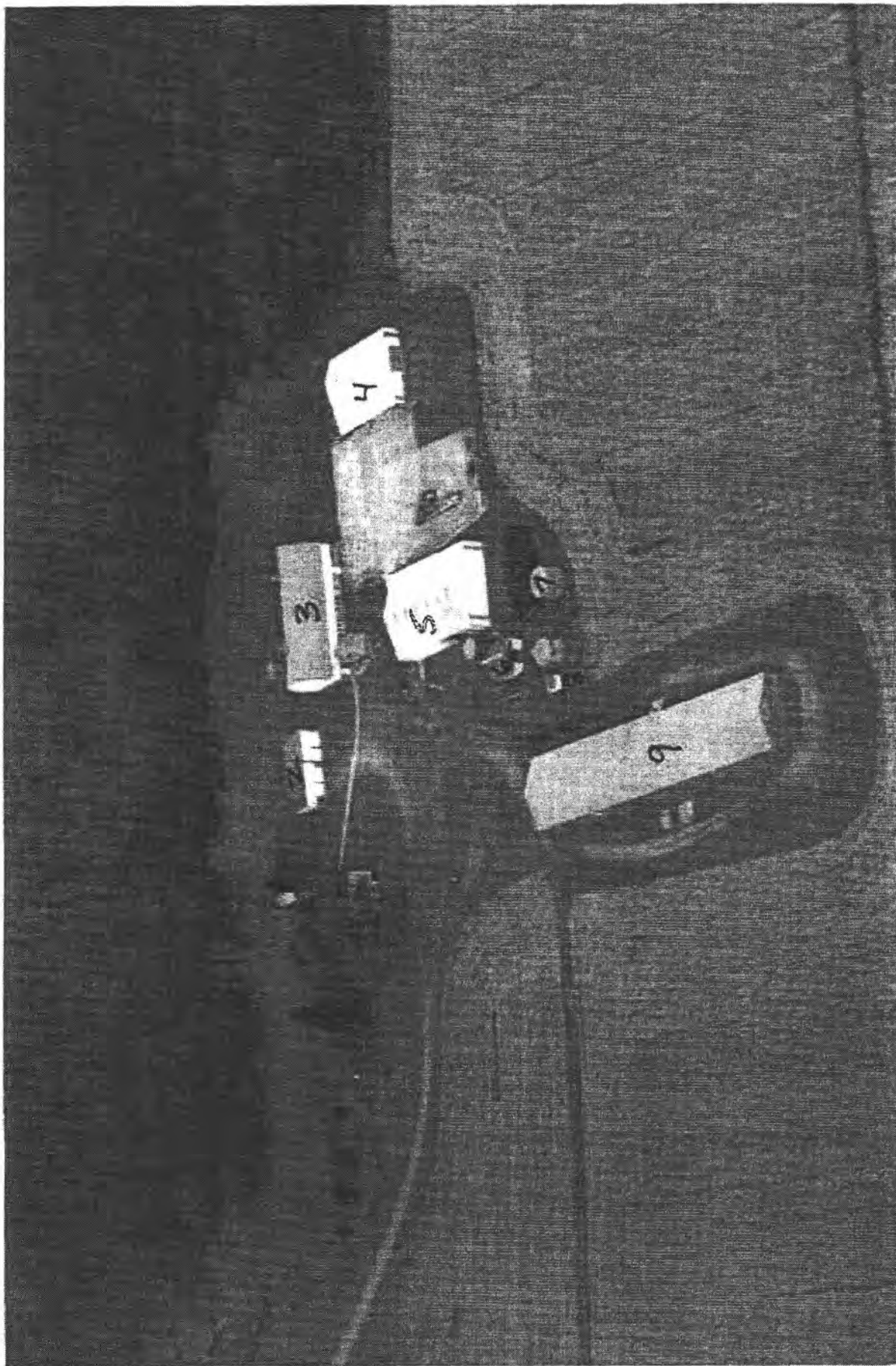

Affiant

Subscribed and sworn to before me this

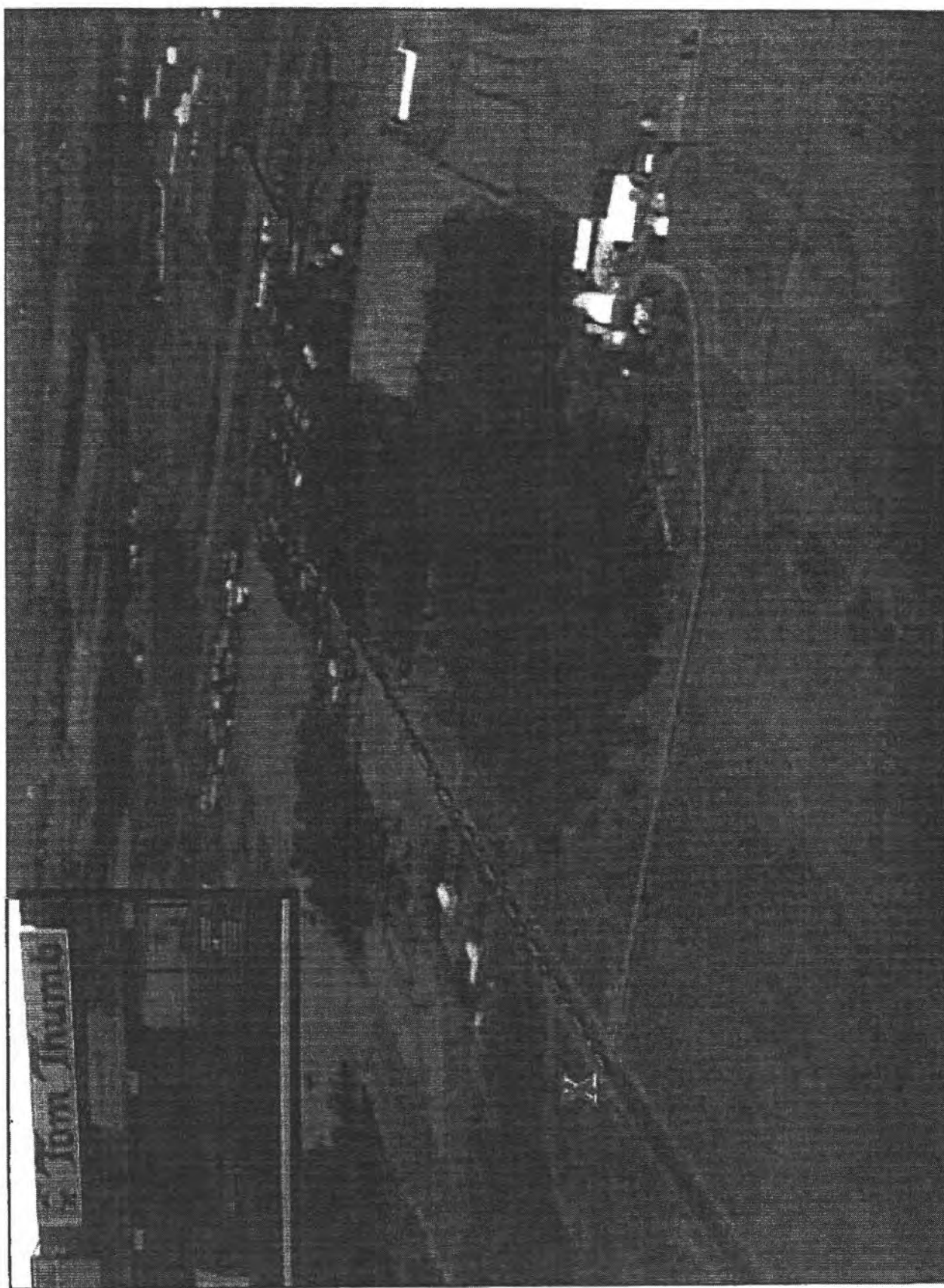
28th day of June, 2010


Judge of District Court

Appendix A

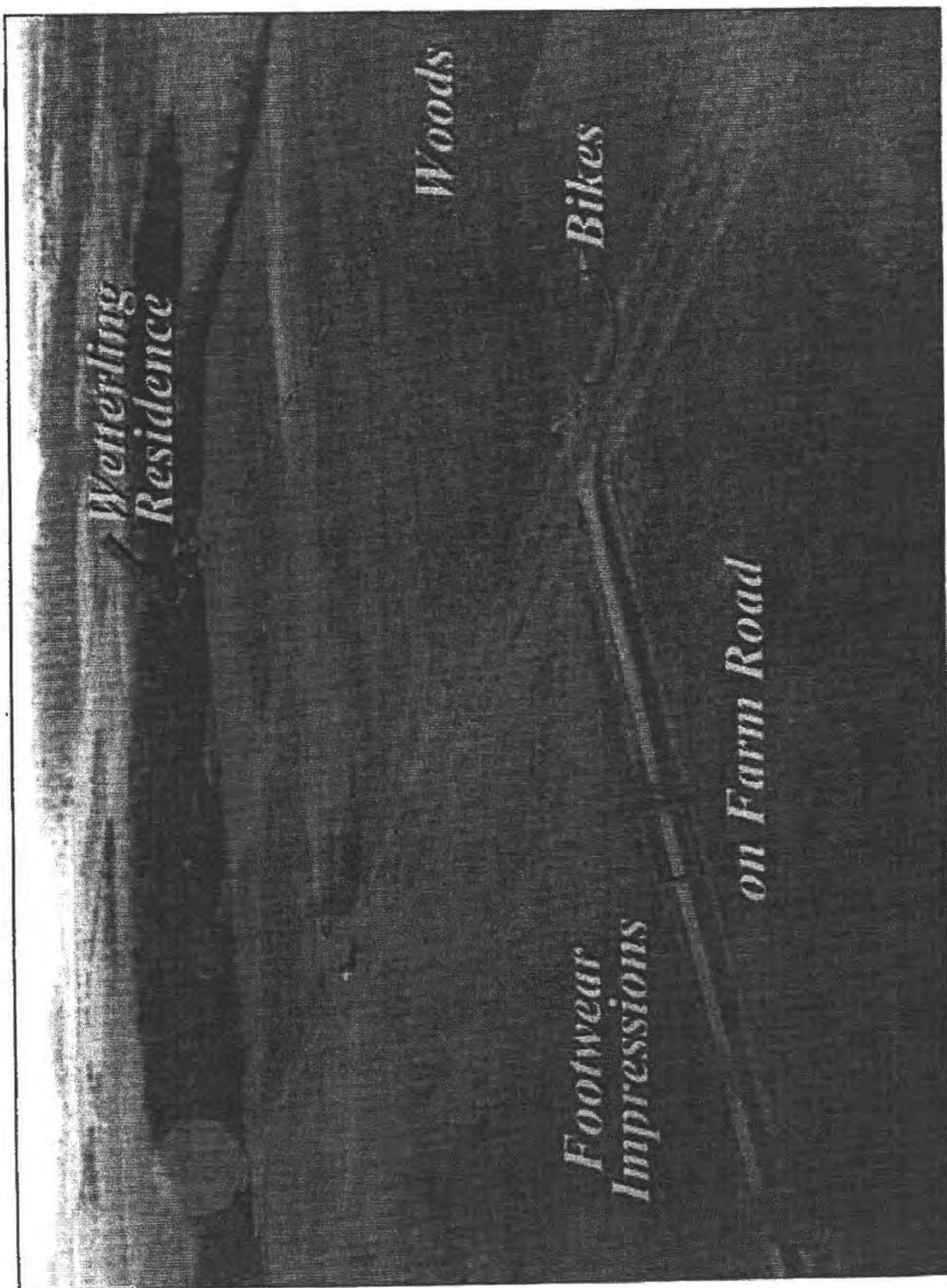


Appendix B

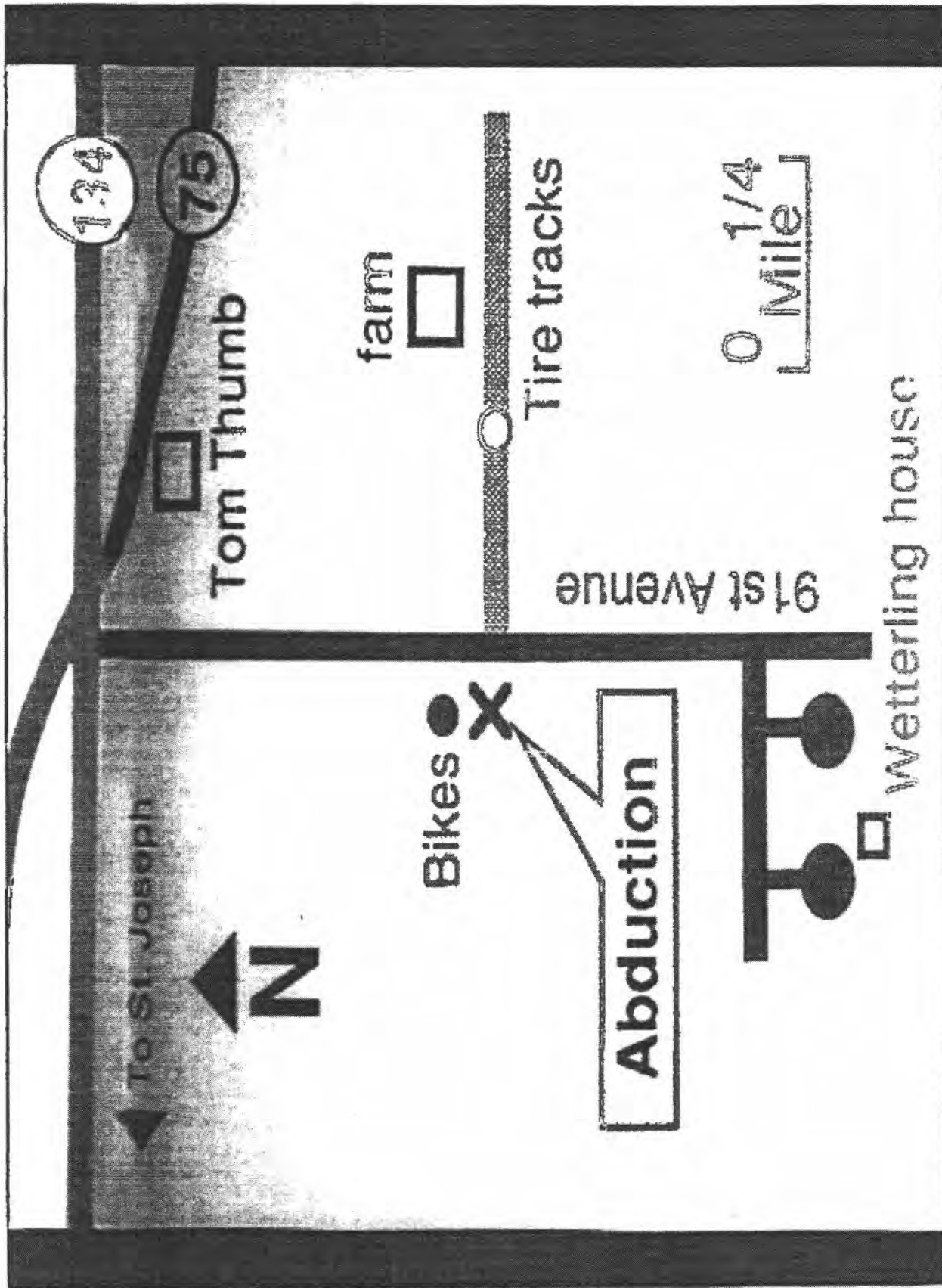


4/99

Appendix C



Appendix D



SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN AND/OR DEPUTY NATE WATSON, AND/OR DEPUTY STEVE MATHEWS AND/OR FBI SPECIAL AGENT SHANE BALL, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as

Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NWY-4 of NE-); that part of the Southwest Quarter of the Northeast Quarter (SWv.. of NE-) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt of NEv..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SWv.. of NEY4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NEY.. of NW-) and the South 50 acres of West Half of the Northwest Quarter (WYz of NW14) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz of SEY4 of NE-), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NWv.. of NWv..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NWv.. of NW-); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt of NWv..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE- of NW14 of Section 14, Township 124, Range 29.

and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D.

located in the Township of St. Joseph, County of Stearns, State of Minnesota, for the following described property and things:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/102

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

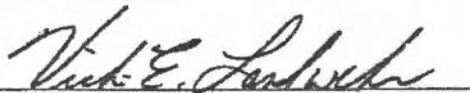
1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, AND/OR NATE WATSON, AND/OR STEVE MATHEWS, AND/OR SHANE BALL, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: June 28, 2010


JUDGE OF DISTRICT COURT

STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth McDonald , received the attached search warrant issued by the Honorable Landwehr , on June 28,, 2010, and have executed it as follows:

Pursuant to said warrant, on June 28, 2010, at 0800, I searched the (premises)) described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

See attached MN BCA Laboratory crime scene evidence receipt

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016

I, Kenneth McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
_____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/104



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Bureau of Criminal Apprehension

1430 Maryland Avenue East

St. Paul, MN 55106

Laboratory Number

S890-1699

TEL: 651-793-2900

TTY: 651-282-6555

FAX: 651-793-2901

Agency Case Number

89

LABORATORY CRIME SCENE EVIDENCE RECEIPT

Stearns County S.O.

COUNTY:

TYPE OF CASE: Kidnapping

Attn: Cpt. Pam Jensen

Related Case # 's:

CIRCUMSTANCES AND PURPOSE OF ANALYSIS

Offense Date: 10/25/1989
Offense Location: St. Joseph, MN
Case Comments: Stearns Co
LGG Team Leader

PRINCIPALS:

ITEM DESCRIPTION OF EVIDENCE:

Collection Date: 07/01/2010

Collection Time: 17:30

Collection Type: ATS - Collected at scene

Collection Location:

Item No.	Packaging and Type	Source/Description
51	One cardboard box containing evidence classified as an item of evidence	metal umbrella stand from the garage attic
51.A	One manila envelope containing evidence classified as a swab	metal umbrella stand from the garage attic
52	One cardboard box containing evidence classified as an item of evidence	chaise lounge from the garage attic
52.A	One manila envelope containing evidence classified as a swab	from the chaise lounge from the garage attic
53	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
54	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
55	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
56	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
57	One manila envelope containing evidence classified as a swab	from inside the trunk lid from the garage attic
58	One brown paper bag containing evidence classified as an item of evidence	wood pieces from the garage attic
59	One brown paper bag containing evidence classified as an item of evidence	wood pieces from the garage attic
60	evidence classified as an item of evidence	trunk from the garage attic
61	One brown paper bag containing evidence classified as an item of evidence	knotted fabric from the ash pile
62	One brown paper bag containing evidence classified as an item of evidence	red shoe lace from the ash pile
63	One manila envelope containing evidence classified as a control sample	of pheno reagents
64	One manila envelope containing evidence classified as a control sample	of Nite-Site luminol
65	One manila envelope containing evidence classified as a control sample	of BCA luminol
66	evidence classified as an item of evidence	50-60 cubic yards of dirt

Submitted By

Received By

Crime Scene

Audrey Mayfield

7/1/10

Submission Date

Page 1 of 1

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STATE OF MINNESOTA
COUNTY OF STEARNS

IN DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2) for an Order that the attached Applications for Search Warrants and supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization. This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Investigator in charge of the investigation into the disappearance of Jacob Wetterling. If the attached Search Warrants and Search Warrant Applications and supporting Affidavits, the actual Search Warrants and the Receipts, Inventories, and Return Forms, are filed, release of the information contained therein could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches.

Dated: June 28, 2010


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling

**AFFIDAVIT OF INVESTIGATOR
KEN MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned, Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation into the disappearance of Jacob Wetterling as summarized in the attached search warrants. Your affiant states that this investigation is ongoing, that no arrests have been made at the point of this Affidavit being completed, and that several avenues of investigation are being pursued. Your affiant further states that the release of the information contained within the Applications for Search Warrants and supporting Affidavits; Search Warrants and Receipts, Inventories, and Return Forms, could therefore cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Stearns)

Ken McDonald
Investigator Ken McDonald
Minnesota Bureau of Criminal Apprehension

Subscribed and sworn to before me this 28th

day of June, 2010, by Investigator Ken McDonald

Victor E. Landwehr
Notary Public

Judge of District Court

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

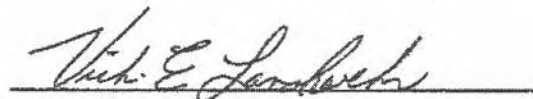
In Re: Disappearance of Jacob Wetterling

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, and pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2), the Court finds reasonable grounds to believe that the filing of the Search Warrant Applications, the supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, IT IS ORDERED that the original and copies of the Search Warrant Applications, supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. IT IS FURTHER ORDERED that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any other time as directed by the Judge, that said documents shall be filed forthwith.

Dated: June 28, 2010



Judge of District Court

VL=Judge Vicki Landwehr

KM=Special Agent Ken McDonald, BCA

JK=Janelle Kendall, Stearns County Attorney

VL ...approximately 11:56 a.m. on June 28, 2010. I have the county attorney, ah, Janelle Kendall along with Special Agent Kenneth McDonald ah in my office with an application for a search warrant for ah premises located in Stearns County, St. Joseph, Minnesota. Um, requesting ah permission to search the outbuildings of that location ah as well as ah, some more invasive measures if the property seeking to be discovered cannot be located ah on a search simply of the ah buildings, um, searching for ah human remains of Jacob Wetterling along with ah objects, (inaudible) handgun and the clothing that was believed to have been worn by Jacob Wetterling on the date that ah, he was abducted which was October 22, 1989. I have reviewed the search warrant request and I guess my first question really relates to the, um, well I'm assuming the basis for the search warrant request is just a culmination of incidents and information gathered with respect to this Dan Rassier, is that correct?

KM That's correct.

VL Um, and I guess until this point ah, given the culmination of incidents including the hypnosis and the ah, conversation that Patty Wetterling had with Dan Rassier as well as conversations that ah the police have had with Mr. Rassier, his reactions appear to be somewhat unusual and suspect is that fair?

KM That's fair.

VL Um, obviously my concern is that whether there's enough here to get the search warrants, I would certainly agree that the entire set of circumstances seem somewhat um, suspicious and his reactions seem suspicious, so, um, maybe I could ask you, Ms. Kendall, ah, kinda about what you perceive as the legal basis for getting this search warrant at this point.

JK In terms of probable cause being it more likely than not that there's something there, that's what we're-we're giving you everything. Um, when Agent McDonald came to us and said what do we put in the warrant, I said everything (slight laugh) um, so that the Judge really has a full picture of what leads you to this point. Now obviously in 21, 22 years of investigation there is more, out there...

VL Sure.

JK ...um, we put this much in to come to you and if the court would like more, if there's specific things that the court wants to know more about that's why we thought we might need a recording and we might need a court reporter because it was hard to know how much to put in.

VL Okay. Well I mean I get the impression from reading the application for the search warrant that, um, there is at least some sense after talking to Mr. Rassier's parents that they have, their own suspicions, um and again I'm not sure that that really amounts to probable cause, but it certainly ah, would obviously be law enforcement to become more suspicious...

JK Um-hm.

VL ...I would, expect. Ah, Mr. Rassier's reactions to being questioned again seem, suspicious. Um, and his comments about, suggesting that the police should have searched his property more thoroughly would, seem to be sus-suspicious to the court. Ah, I guess if there is anything that, your office or the police have Ms. Kendall that could tie him a little more directly, um, I would like to know that, I'm not saying I won't sign it but I guess I would like to know that.

JK Everything that I know is in that warrant, so it's been ah, I would direct those to-to you Ken.

KM I'm thinking...

VL That's fine.

KM Like Janelle said we just a- a lot of it in the warrant so I'm trying to think of...

VL Sure.

KM ...additional information. Um. One thing I didn't, where does this record go? Just...

VL I don't know that it's really going anywhere right now, I...

JK I will transcribe it and add it to the application, so it will be part of the application as well...

VL Okay.

JK ...anything that we say...

KM Okay.

JK ...here is also part of it, so when that becomes public, this becomes public as well.

VL Okay.

KM I didn't-we have hold back information for each investigation...

VL Sure.

KM ...and I didn't put that in there.

VL Okay.

KM For that reason. Um, some of that is where, you know, the abductor went up, had the boys lie on the ground, he was very systematic was asking their ages and what not.

VL Okay.

KM And made the selection presumably based upon at least part of that.

VL Okay.

KM Um, that with I didn't get into the gender ah preference of Rassier...

VL Okay.

KM ...we have done some background on him, he doesn't, we searched the computer, but if our knowledge he-he teaches young boys at that age...

VL Right.

KM ...other than that, we cannot find him with history of dating men or women or having relationships so...

VL Okay.

KM ...um, other information we have is, you know, (inaudible) why would someone do one particular crime like this and then stop and never do anything more.

VL Right.

KM Um, we have, ah, conducted investigation, he-he mentioned that he travels in Europe or at least did, ah, he made some strange comments about being on a train but never really specifying, we tried to investigate that through INTERPOL...

VL Okay.

KM ...with not much success, um, he is in habit of-runner and some of the theories are that he runs to suppress, um, he runs marathons throughout the United States, that too we have...

VL Okay.

KM ...followed him and contacted law enforcement in each of those, and no similar crimes, but a newspaper article, again this is all very circumstantial, but...

VL Sure.

KM ... (inaudible) a newspaper article interviewed him once about running and he mentions that he runs to suppress pain. You know and you can interpret that to well he running-and suppressing pain with running or is he running away from something.

VL Sure. Okay.

KM Um, I-that, based on the information on that vehicle turning around, I mean that was a focus our investigation for a long period of time, well the most logical things to me is it happened right at the end of the driveway...

VL (inaudible)

KM ...and his parents happened to be gone and...

VL Sure.

KM ...and there was no vehicle seen along those lines...

VL Okay.

KM ...which is already in the warrant.

VL Well the other thing that I thought was interesting is his parent-ah, the way he could recall such details ah before and after but having a little more problems with the-the time frame right exactly around the abduction. Um, I guess since we are putting this on the record, I want to be specific about one thing also. Um, I don't think it's a big part of the application for the search warrant, but, I know um, (inaudible name) used to be (inaudible) it's now (inaudible), um, I wouldn't say we're close friends, but my husband and I do socialize with her and her husband occasionally, um, she's obviously a very small paragraph in here and she's never told me anything about this, so, the first I learned about this was reading the search warrant. Um, I am going to execute the search warrant ah with the information contained in the application, ah, as well as, ah, the information that has been ah supplemented by ah Agent McDonald.

(short pause)

VL I'm assuming that ah, lots of times search warrants are confidential but I'm assuming you want absolutely no information about this...

JK Yes your Honor, and that is the application to seal as well, until and unless any criminal charges were to arise out of this incident that these would be kept with Agent McDonald's file um and we were just talking about keeping a copy in a secure location in our office that would not be accessible generally to the office, but it might be safer honestly to just keep it with you, however you want to do that Ken, but yes, that is the motion to seal (inaudible).

VL Alright. I would ask that you raise your right hand. You swear the information contained in the application for the search warrant is true and correct?

KM I do. Can we shut this off now? Or do you want to keep it on?

VL You can shut it off.

KM Okay.

(end of tape).

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

STATE OF MINNESOTA)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

) SS.

COUNTY OF STEARNS)

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as

Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NWY-s of NE~); that part of the Southwest Quarter of the Northeast Quarter (SWv.. of NE~) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt of NEv..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SWv.. of NEY4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NEY.. of NW~) and the South 50 acres of West Half of the Northwest Quarter (WYz of NW14) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz of SEY4 of NE~), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NWv.. of NWv..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NWv.. of NW~); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt of NWv..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE~ of NW14 of Section 14, Township 124, Range 29. and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER

4/115

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 23 years, the last 20 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, age 10, and a mutual friend, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and , were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away (see Appendixes A, B, C and D, attached hereto and hereby incorporated herein). The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms.

When and were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. described hearing footsteps in the gravel driveway as they approached. then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped and he said his age, then and then Jacob. He then told to run in the woods or he would shoot. Next he looked at face and told him the same. The boys did as they were told.

and then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

At the time of the abduction, Daniel Alfred Rassier, DOB: 10/25/55, was living with his parents, Robert and Rita Rassier at the residence at 29748 - 91st Avenue. However, at the time of the

abduction, Robert and Rita Rassier were vacationing in Europe. Therefore, Daniel Rassier was the only individual at the residence at that time.

That night, October 22, 1989, Dan Rassier was interviewed by law enforcement. He described a vehicle, a large tan or yellow dirty car, turning around in his driveway earlier that day, between 11:30 a.m. and 4:00 p.m.. He said the vehicle left his residence at a high rate of speed.

Also that night, on October 22, 1989, Rassier said he saw another vehicle turn around at his residence between 9:00 and 10:00 p.m., describing it as a smaller dark blue vehicle, coming into his driveway, turning around, and leaving. He said the headlights were on and the driver may have had them on dim, and he thought the style was similar to a Chevette. He said he saw something on the driver's side, and thought it was a flashlight or a reflection from the yard light. When later interviewed in November 1989, Rassier claimed that he may have seen Jacob in the front seat of that car.

In October of 1989, Kevin Hamilton said he did report to authorities that he heard over his police radio scanner that a child had been abducted near the Rassier farm. He did get in his vehicle, described as a mid-sized silver car, and go to the Rassier farm, drive up the driveway, turn around and leave. Hamilton said that this was reported to a St. Joseph police officer, but the information apparently did not get into the investigative file at that time. Kevin Hamilton came forward a second time on October 21, 2003 and did provide law enforcement with his recollection of what he did that evening. It is believed that the Hamilton vehicle is the one described by Rassier as being in his driveway between 9 and 10 p.m. on October 22, 1989.

On October 24, 1989 at 1:00 p.m., Detective Boeckers of the Stearns County Sheriff's Department interviewed Daniel Rassier at the junior high school in Cold Spring, Minnesota. During that interview, Rassier indicated that he lives at the farm with his parents, Robert and Rita Rassier, who were currently away on vacation on an extended trip to Europe.

Rassier recalled that on the evening of the abduction, he had been home performing a typing project in the upper level of the residence. Rassier stated that between 9:00 and 9:30 p.m., the family dog began barking. At that time he observed a vehicle enter the driveway, turn around, and leave. Rassier indicated that the vehicle was driving at a faster than normal rate of speed and provided the above described blue vehicle description to Detective Boeckers. Rassier also advised that earlier in the day he had seen a larger vehicle turn around in his driveway.

Later on October 24, 1989, Detective Boeckers and FBI Agent Temper re-contacted Rassier for the purpose of obtaining photographs of Rassier's vehicle for comparison to the vehicle tracks in his driveway. Detective Boeckers' reports indicate that Agent Temper also interviewed Rassier again regarding his activity during the day of October 22, 1989.

On October 28, 1989, at 10:40 a.m., Detective Boeckers re-interviewed Daniel Rassier at his residence. Detective Boecker reports that upon arriving at the residence, Daniel Rassier displayed various shoes that he had worn on October 22, 1989. It was the officer's opinion that none of the shoe patterns were consistent with the shoe impressions found on the driveway near where the child had been abducted.

Upon questioning, Rassier provided Detective Boeckers with a more complete description of his activities on October 22, 1989. Rassier described many activities within the St. Cloud area, then returning to his residence at approximately 6:00 p.m. Once again, he described the typing project for school. The interview and overall investigation shows that Rassier likes to be organized. He reported that between 9:00 and 10:00 p.m., he observed a vehicle enter his driveway and turn around. At approximately 10:45 p.m. Rassier said he went to bed. Shortly thereafter, he heard his dog named Smokey begin barking. Rassier got up, and observed a flashlight in the southwest direction from his house near a woodpile. Rassier indicated that shortly thereafter he called 9-1-1, at which time he was informed by the dispatchers that members of the sheriff's office were present at his residence. Rassier stated that at that point he left his residence and spoke with officers at the scene for a short period of time. It is confirmed through police reports that Rassier did call 9-1-1 and speak with responding law enforcement officers that night. Rassier said that he then returned home and checked a number of outbuildings on the property, including a shed, a tree house, the hay barn, a shop, and the milk house. Rassier said that at about 2:00 a.m. he returned to his residence and went to bed. Rassier did not contact any other individuals in regard to learning of the abduction.

Rassier indicated that at 6:45 a.m. on October 23, 1989, he woke up, went to the milk house to feed the cats and let the horses out. At 7:30 a.m. Rassier left the residence and spoke briefly with a deputy sheriff at the scene while leaving, arriving at school at 7:55 a.m. and returning home from work at 4:10 p.m.

On October 28, 1989, at 1:10 p.m., officers asked for consent to search the Rassier residence. They obtained permission from Robert Rassier and Dan Rassier to search their house. Investigators searched the Rassier home, terminating the search at 2:15 p.m. During the search, nothing was seized from the Rassier residence.

On October 28, 1989, FBI agents interviewed Dena Boettcher. Boettcher indicated that she was a teacher at Cold Spring (ROCORN) High School and was acquainted with Dan Rassier, also a teacher at the school. She indicated that she had gone on one or two dates with Rassier. She recalled one date going to a Twins game with other couples. She said Rassier did not want to interact with the other couples. On another occasion, they went to a drive-in movie and then had a long conversation at her residence. At one point she asked Rassier if he had ever had sex. Rassier advised her that at the time he believed he had a double personality and that his other self had had sex.

On November 11, 1989, Detective Whippler from the Benton County Sheriff's Office contacted Daniel Rassier and re-interviewed him with FBI Special Agent Al Garber. The interview was in regard to Rassier making comments at school about the Wetterling case. The comments were determined by the officers to be inconsequential. Rassier also provided investigators with two of his best friends' names, both of whom were male. Rassier further indicated that he had no female friends that he socialized with and overall had very little social life.

On November 27, 1989, Dr. John Rhett, a licensed consulting psychologist, conducted a hypnotic interview with Daniel Rassier. The purpose of the interview was to enhance Rassier's

recollection of the two vehicles he observed turning around on his property on October 22, 1989. This interview was a volunteer hypnotic interview and was videotaped.

In January of 2004, your affiant and Captain Pam Jensen of the Stearns County Sheriff's Department reviewed the video tape of the hypnotic interview Rassier provided on November 27, 1989. Your affiant and Captain Jensen also listened to the 9-1-1 tape in which describes the events that occurred. Your affiant and Captain Jensen also reviewed the information in regard to Kevin Hamilton, the driver who had turned around in the Rassier driveway on October 22, 1989, who had came forward the second time, and who was subsequently eliminated as a suspect in the child abduction investigation.

On February 7, 2004 at 2:00 p.m., your affiant and Captain Jensen interviewed Daniel Rassier in regard to the current Hamilton vehicle information. Daniel Rassier voluntarily came to the Stearns County Sheriff's Department for this purpose. Your affiant and Captain Jensen reviewed the hypnotic interview with Rassier to refresh his memory, pointing out the primary objective of the hypnotic interview at the time was to see if more detailed information could be obtained about the vehicles that turned around in his driveway. However, upon having the vehicle in question investigated and eliminated as being suspect, your affiant and Captain Jensen reviewed the hypnotic interview with Rassier from that perspective, with the vehicle being eliminated. From this perspective, there were comments and reactions Rassier made throughout the hypnotic interview that raised new questions as to Rassier being the suspect/abductor. Your affiant and Captain Jensen told Rassier that they wished to discuss some of these observations with Rassier, including Rassier listing details of his activities throughout the day into the evening hours of October 22, 1989, stating examples of typing out cards, and getting ready for class the following Monday morning. The hypnotic interview showed that Rassier is very detail oriented, and in the interview, Rassier gave extensive details regarding this planning, quoting "I enjoy getting everything perfect... so I feel good about it." However, during the part of the hypnotic interview covering the time frame in which Jacob was abducted, Rassier said he lost track of time. Once the abduction time frame was over, he became more detailed in his recollection of what occurred that evening.

Also during the hypnotic interview from November 27, 1989, Rassier described how he knew a car was coming up the driveway because his dog Smokey began barking. Rassier described looking out the upstairs window, watching the vehicle coming into view. At this point in the hypnotic interview, Rassier began crying. Rassier said he ran from room to room to watch the vehicle. Rassier was very upset and notably shaking when he was discussing this. Rassier stated that if a perpetrator wanted Jacob he would have gotten him eventually. Rassier described that as the vehicle went up the driveway and turned around, that the driver might be an abductor. Rassier also said in this hypnotic interview that he may have seen Jacob with a flashlight as the car went by. When the car left, Rassier said that Smokey quit barking, and Rassier went to bed.

Further on in the hypnotic interview, Rassier recalled hearing Smokey bark again. He jumped up, looked out his window and saw spotlights down by the wood pile. Rassier commented that he was very nervous and could not get dressed and that he was very scared and in big trouble. Rassier also stated that he turned the lights off. In this hypnotic interview, Rassier seemed overly concerned about a vehicle coming in the driveway.

Continuing in the hypnotic interview, Rassier said that he called 9-1-1 and spoke with a dispatcher and learned that a boy had been abducted. He said that Smokey kept barking at the lights and he could not sleep. He was wondering why law enforcement were not looking in the out buildings. Rassier said he eventually went out and spoke with law enforcement and at that time Rassier said he went back and looked in the tree house.

Moving then to the interview in February 2004 in which your affiant and Captain Jensen discussed the contents of the videotaped hypnotic interview from 1989 with Rassier, Rassier commented that the dog Smokey would bark at any activity that occurred at the end of the driveway. Smokey would not bark if he was familiar with the person. Your affiant and Captain Jensen pointed out that Rassier said he had watched the vehicle come from the end of the driveway, turn around and leave, and that Smokey was barking at that time, so why wouldn't Smokey be barking during the time in which Jacob was being abducted? Rassier would not provide a definitive answer.

During the hypnotic interview, Rassier was asked if he knew Jacob Wetterling. Rassier indicated no and then began crying, stating he didn't think he would do this. During the hypnotic interview, Rassier's emotions were stable during the questioning about the vehicle or as he recalled the events throughout the day, however during the period in which the questions turned to Jacob's abduction, he began crying and shaking, then would recover and stop crying when questions were not related to the actual abduction. When he was asked about Jacob Wetterling again, he would again start crying.

Your affiant and Captain Jensen explained to Rassier that the boys' trip to the convenience store was not on a regular basis. Very few people knew that they were going there on the evening of October 22, 1989. It was pointed out that _____ said that when they rode by the Rassiers' driveway on the way to the video store, they heard some rustling in the weeds, and it startled all the boys and they rode their bikes and scooter faster. On the way back from the convenience store they were carrying a flashlight. As they approached the Rassier driveway, _____ said his first sense of the abductor was that he heard someone walking down the Rassier driveway on the gravel. The abductor appeared from that area and stopped them. _____ looked up the driveway and saw no vehicle and did not mention any barking dog at the time. The commands from the abductor were very precise.

It was therefore pointed out to Rassier that it was the investigators' opinion that the abductor came from the Rassier farm and no vehicle was used. It was also pointed out to Rassier that it was the investigators' opinion that whoever abducted Jacob Wetterling had to have been from the area and that no vehicles came up the road from behind the boys as they were returning from the store. It was also pointed out that in reviewing the 9-1-1 tape, dispatchers may have inadvertently been somewhat leading with the boys, citing, for example, that the abductor had a raspy voice or questioning if in fact he had a gun. Upon pointing out some of these facts, your affiant and Captain Jensen accused Rassier of taking Jacob Wetterling. Rassier did not have much of a reaction to that. However, he continuously went back to the fact that it must have been the person that turned around in the driveway. Beyond that, during the 2004 interview, Rassier never directly addressed the accusation. When confronted, Rassier would repeatedly

respond by indicating that it must have been the vehicle that turned around earlier in the afternoon. Rassier refused to allow your affiant or Captain Jensen to eliminate the vehicles as an option in the abduction.

Rassier did admit to your affiant and Captain Jensen that if he did take Jacob he would have plenty of time and locations to dispose of him on his farm. He said he felt law enforcement made mistakes by not searching his place until approximately four or five days after the abduction. It is your affiant's and Captain Jensen's opinion that Rassier seemed to be enjoying this part of the conversation, smirking at times, also noting that investigators had one problem, they had no physical evidence.

It was also pointed out to Rassier that if a child was abducted from the end of a person's driveway and law enforcement was present, why would he not contact any friends or relatives and eventually tell them about this traumatic event. Rassier made no comment about this.

On February 12, 2004, at 9:00 a.m., your affiant along with Investigator Troy Jansky went to the Rassier farm and spoke with Rita and Robert Rassier. Your affiant and Detective Jansky explained to Robert and Rita Rassier that they felt their son Dan was a suspect in the abduction of Jacob Wetterling. The Rassiers did not show much emotion after being presented this information. Robert Rassier did indicate that his son had told him that law enforcement no longer believed the vehicle that turned around in the driveway was the abductor. Robert stated that his son did make a comment that "Dad even if I did do it I had all kinds of time to get away with it" and that Dan was upset and voiced frustration with the sloppy police work that was conducted.

Your affiant and Detective Jansky inquired if Dan Rassier used a computer within the home. Rita Rassier indicated that there was a computer they shared that was kept in the basement that did have internet access. Your affiant and Detective Jansky obtained permission to search the computer to determine what had been viewed on the internet. While searching the computer, your affiant did not find any type of inappropriate material on the computer. However, during the time of this review of the computer, Rita Rassier voluntarily began making comments that if her son Dan did take Jacob Wetterling, she would provide theories on how he would do this.

Your affiant along with other law enforcement visually watched Daniel Rassier from October 15 through October 19, 2007 to obtain a better understanding of his daily activities. In summary, Rassier would leave his residence early in the morning and go to the school at Rocori where he is employed as a teacher. He'd often stay there until seven or eight at night and return home. Occasionally, on Tuesday or Wednesday nights he went to the Saint Benedict Center to play his musical instrument along with a small group of other musicians, or went to the Midwest Athletic Club in St. Cloud to exercise. No other friends or associates were noted during this timeframe.

On November 7, 2007, your affiant applied for a mail cover through the U.S. Postal Service for Dan Rassier and the address of 29748 - 91st Avenue, St. Joseph, noting that the mailing address has changed since the time of the abduction. Your affiant did receive copies of mail during the timeframe of December 11, 2007 through January 9, 2008. Your affiant reviewed the mail which Dan Rassier was receiving. Even though this time period was during the holidays, Rassier

received only one piece of mail that may have been a Christmas card and did not receive any other inappropriate mail during the timeframe.

In October of 2009, your affiant along with Captain Jensen communicated with Patty and Jerry Wetterling in regard to having Patty Wetterling wear a recording device and meet with Dan Rassier. It was decided that the meeting would be under the pretense that Patty would accidentally run into Dan and have a conversation with him.

On October 20, 2009, Patty Wetterling, wearing a body recording device and being monitored by law enforcement, met with Dan Rassier as he was coming out of a health club in St. Cloud. During the conversation, Rassier told Patty Wetterling about the car turning around in his driveway and that he felt he saw Jacob looking out the window of the car.

Patty asked Rassier if he knew what happened to Jacob. Rassier responded no, no one knows for sure, I do know that the driver of the car was the person who did it. During the conversation Patty Wetterling asked where Jacob could be. Rassier said that he has this fear in the back of his mind, and that the police have made him feel so guilty, to the extent that if other people were aware of that they could go on his property and bury Jacob, then commenting that "he would be dead," making reference to being in trouble with law enforcement. Patty Wetterling commented that nobody could come on your property and bury him without you knowing. Rassier responded by indicating they could do it easy, further commenting that they could park their car somewhere and just walk through the woods and bury him.

Rassier mentioned that law enforcement did dig around in a gravel pit on their property looking for Wetterling, indicating they only messed it up, and if someone would have buried a body back there they would never have found it the way they did it.

Patty questioned Rassier saying "well you dig around there a lot, did you ever find a body?" Rassier responded "I found a dog because I dug it up because I actually thought it was Jacob", stating this was located in a known sunken part of the property. Patty Wetterling then questioned why he was digging in the gravel. Rassier responded that he recycles cans and that was his favorite area, as they used to throw metal in that area.

During the conversation, Patty Wetterling made a comment that whoever did it has had a life of hell. Rassier commented, "I think the person that did it is probably dead."

Patty informed Rassier that the person came from his driveway and that he was carrying a gun. Rassier questioned whether the boys really did see a gun. Wetterling also described having a flashlight. Rassier questioned having had a flashlight, and asked if the abductor told him to turn off the flashlight. Rassier also questioned whether it was possible the guy did not have a mask on, and whether the abductor had a hat on. Rassier also questioned Wetterling whether or not the boys recognized the abductor's voice.

On March 19, 2010 Patty and Jerry Wetterling went to the Rassier farm to speak with Robert and Rita Rassier. As part of the conversation Patty mentioned that she had spoken with Dan in October. The parents indicated that Dan made no mention of this conversation.

Based on your affiant's training and experience, and based upon this summary of facts known through this entire investigation dating back to 1989, your affiant has reason to believe and does believe that the remains and/or clothing of Jacob Wetterling and other items described will be found on the described property, and thus requests this warrant to search the above described property for these described items.

In summary, the victims describe hearing something in the weeds as they passed the abduction site heading towards town. The abduction occurred at the end of the Rassier driveway, the property your affiant seeks permission to search. The suspect, Daniel Rassier was home alone at the time of the crime. The other victims describe seeing no vehicles, not hearing a dog barking, and noted that the abductor came from the driveway of the Rassier farm. The abductor appeared to be detail orientated and Rassier has the same traits. Rassier has stated that he has a double personality. Shortly after the abduction, in the context of the hypnotic interview, Rassier commented he was very scared and in big trouble. Also during the hypnotic interview, Rassier was very detailed in describing his day on October 22, 1989, until the time of the abduction. Rassier has admitted there are plenty of places on the farm to dispose of a body. He also has expressed concerns that Jacob Wetterling may be buried on the farm which is the described property in this application.

Your affiant along with others under his direction and control seek permission to search the land and outbuildings described, beginning with less invasive methods of searching but continuing, if necessary, using all resources available to locate the subject items of the search.

Your affiant also states that per the boys' original reports on the night of the abduction, ordering each one, in order, to state his age, while the boys lay in the ditch as directed.

Your affiant also notes that Dan Rassier is an avid runner, including running marathons throughout the United States. Rassier stated in a news article that he runs to suppress pain. Your affiant believes that this pain may be associated with the events described herein.

Your affiant also notes that the age of the children at the time of the abduction is the age that Rassier teaches at his job as a school teacher, that Rassier has no known dating history beyond that described herein, and that he has been further investigated by Interpol regarding comments he made on a train while traveling in Europe.

Finally, your affiant notes that once the vehicle turning around in the driveway was eliminated from suspicion by investigation, the facts regarding the abduction occurring at the end of Rassier's driveway, with no vehicle involved, no barking dog, and the subsequent events described, give good reason to believe that the described items will be found at the described location.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

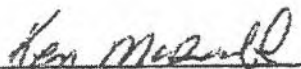
The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as

Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4); that part of the Southwest Quarter of the Northeast Quarter (SW1/4 of NE1/4) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SW1/4 of NE1/4) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SW1/4 of NE1/4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NE1/4 of NW1/4) and the South 50 acres of West Half of the Northwest Quarter (W1/2 of NW1/4) and the West Half of the Southeast Quarter of the Northeast Quarter (W1/2 of SE1/4 of NE1/4), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet; thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE1/4 of NW1/4 of Section 14, Township 124, Range 29.

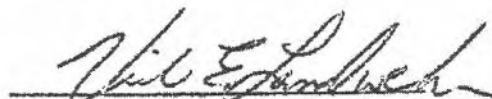
and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D, all located in the Township of St. Joseph, County of Stearns, State of Minnesota.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, and/or Deputy Nate Watson, and/or Deputy Steve Mathews, and/or FBI Special Agent Shane Ball, and all other personnel under their direction and control, to search the heretofore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.


Affiant

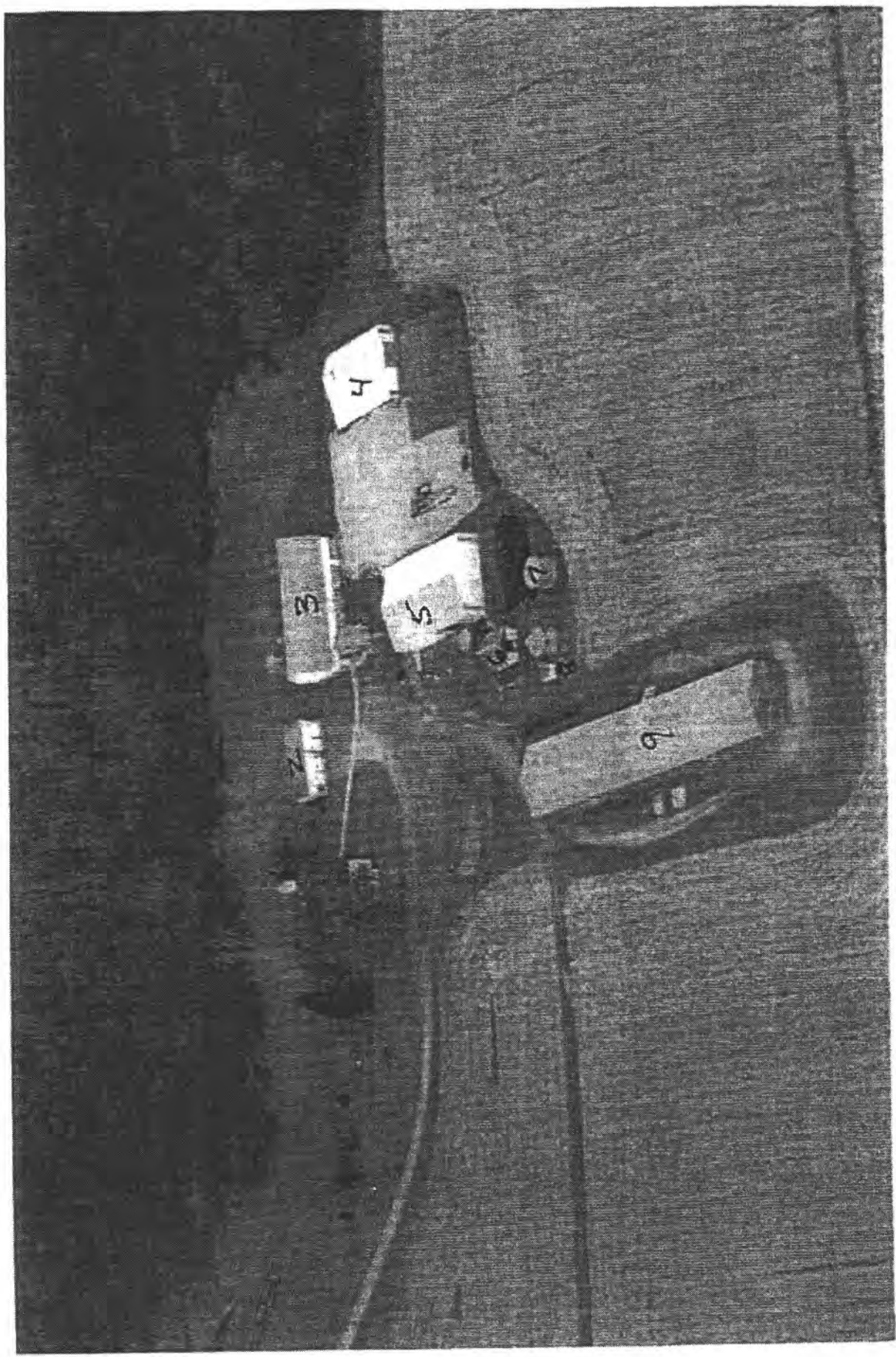
Subscribed and sworn to before me this

29th day of June, 2010

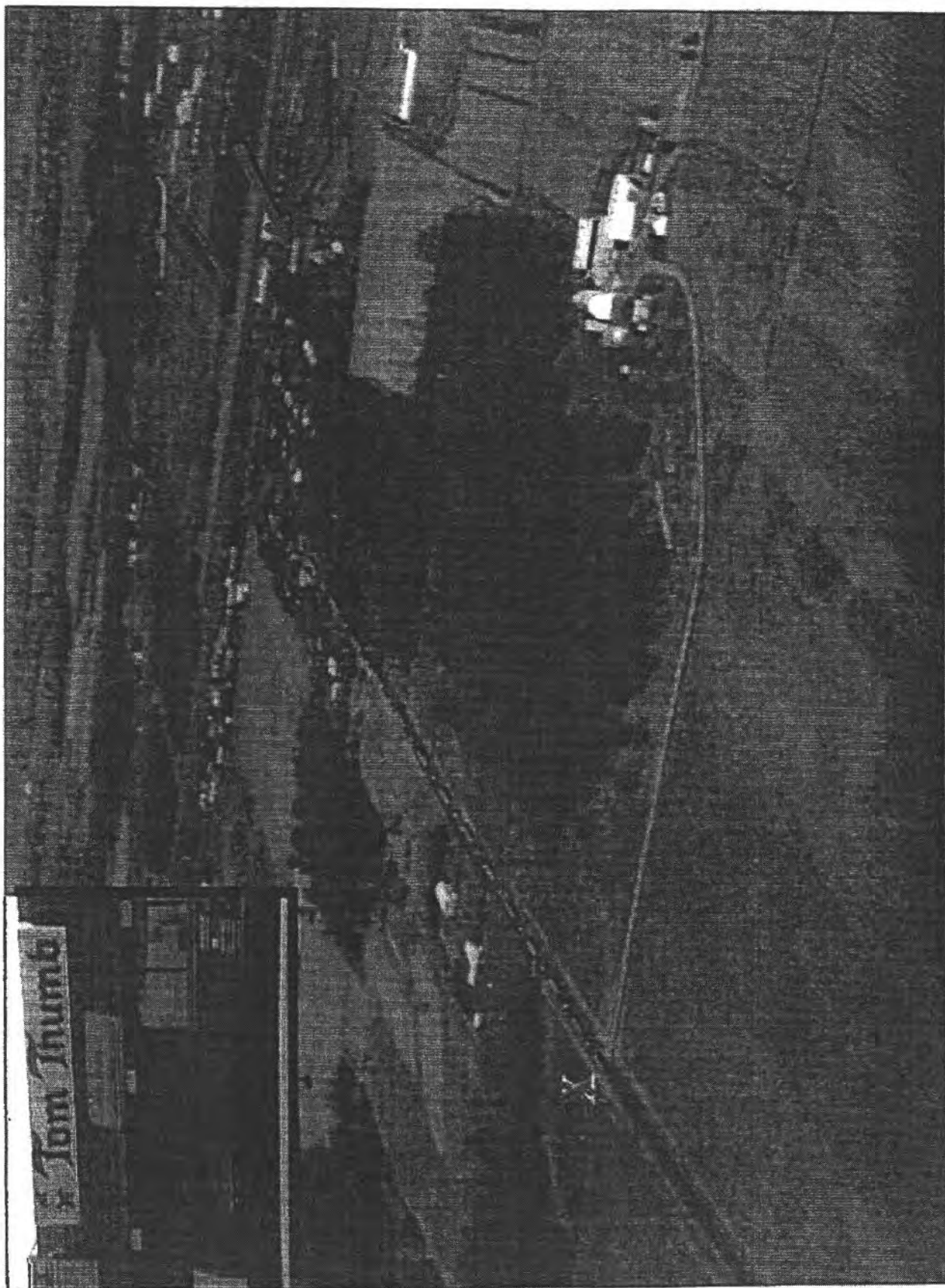

Judge of District Court

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER

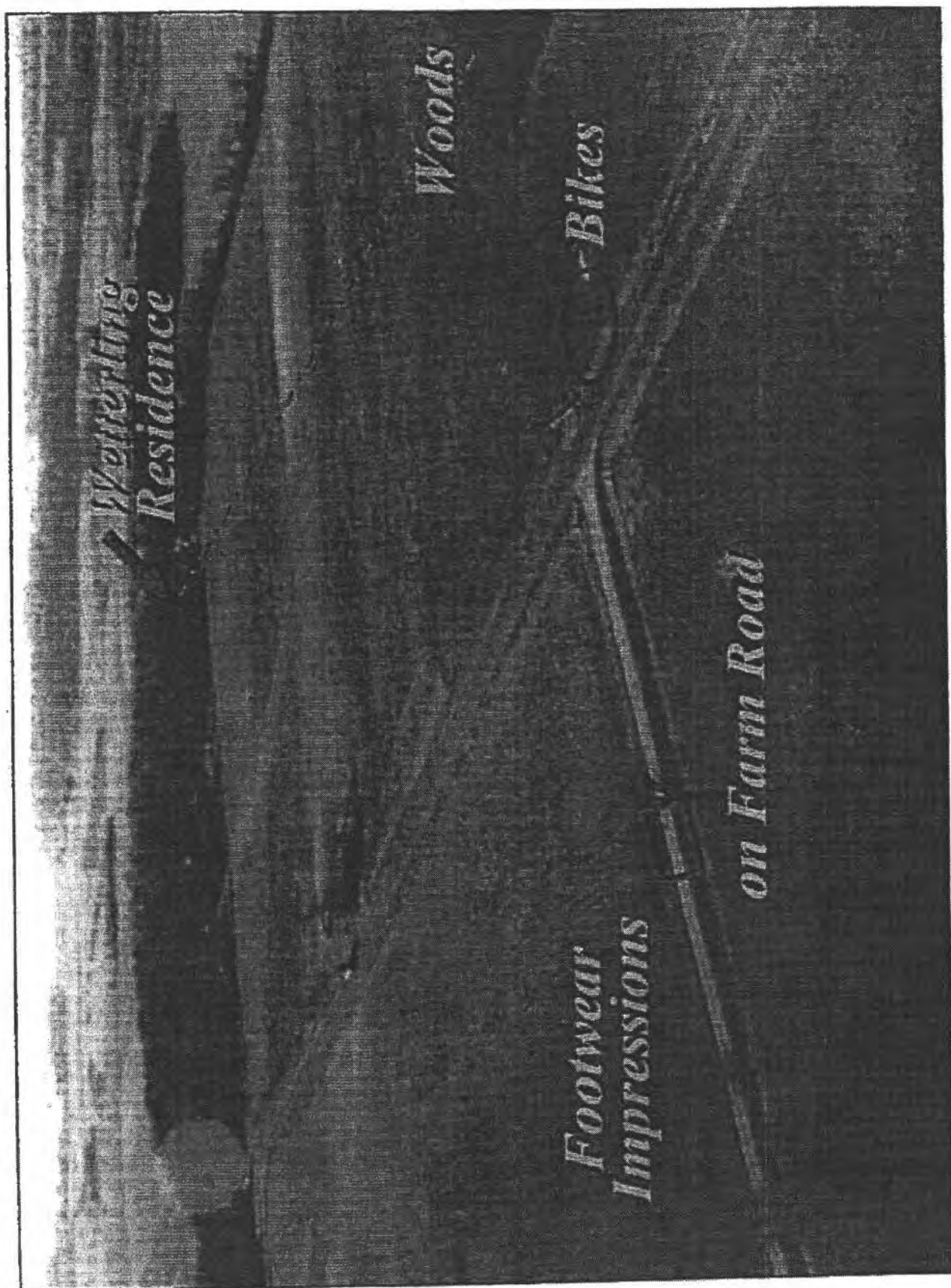
Appendix A



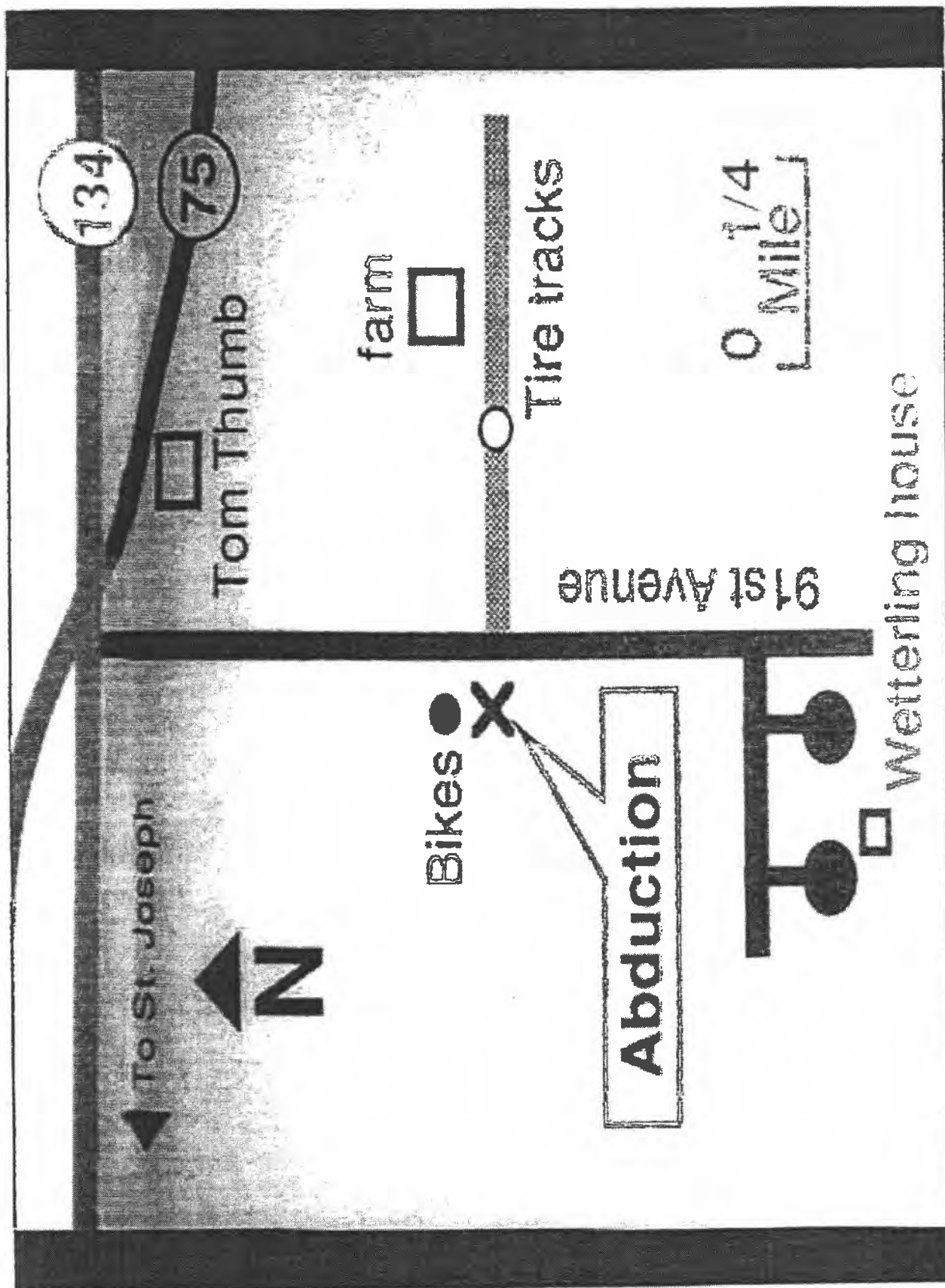
Appendix B



Appendix C



Append. x D



STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

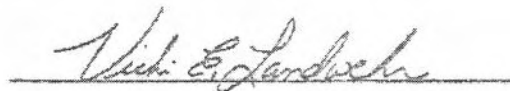
In Re: Disappearance of Jacob Wetterling
Second Warrant

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, and pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2), the Court finds reasonable grounds to believe that the filing of the Search Warrant Applications, the supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, IT IS ORDERED that the original and copies of the Search Warrant Applications, supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. IT IS FURTHER ORDERED that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any other time as directed by the Judge, that said documents shall be filed forthwith.

Dated: June 29, 2010



Judge of District Court

4/130

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

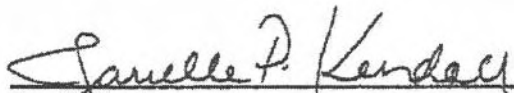
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Second Warrant

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2) for an Order that the attached Applications for Search Warrants and supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization. This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Investigator in charge of the investigation into the disappearance of Jacob Wetterling. If the attached Search Warrants and Search Warrant Applications and supporting Affidavits, the actual Search Warrants and the Receipts, Inventories, and Return Forms, are filed, release of the information contained therein could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches.

Dated: June 29, 2010


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA
COUNTY OF STEARNS

IN DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Second Warrant

**AFFIDAVIT OF INVESTIGATOR
KEN MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned, Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation into the disappearance of Jacob Wetterling as summarized in the attached search warrants. Your affiant states that this investigation is ongoing, that no arrests have been made at the point of this Affidavit being completed, and that several avenues of investigation are being pursued. Your affiant further states that the release of the information contained within the Applications for Search Warrants and supporting Affidavits; Search Warrants and Receipts, Inventories, and Return Forms, could therefore cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation.

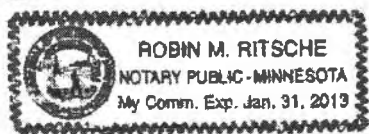
Ken McDonald
Investigator Ken McDonald
Minnesota Bureau of Criminal Apprehension

State of Minnesota)
)ss.
County of Stearns)

Subscribed and sworn to before me this 29th

day of June, 2010, by Investigator Ken McDonald.

Robin M. Ritsche
Notary Public



VL=Judge Vicki Landwehr

KM=Special Agent Ken McDonald, BCA

JK=Janelle Kendall, Stearns County Attorney

VL ...approximately 11:56 a.m. on June 28, 2010. I have the county attorney, ah, Janelle Kendall along with Special Agent Kenneth McDonald ah in my office with an application for a search warrant for ah premises located in Stearns County, St. Joseph, Minnesota. Um, requesting ah permission to search the outbuildings of that location ah as well as ah, some more invasive measures if the property seeking to be discovered cannot be located ah on a search simply of the ah buildings, um, searching for ah human remains of Jacob Wetterling along with ah objects, (inaudible) handgun and the clothing that was believed to have been worn by Jacob Wetterling on the date that ah, he was abducted which was October 22, 1989. I have reviewed the search warrant request and I guess my first question really relates to the, um, well I'm assuming the basis for the search warrant request is just a culmination of incidents and information gathered with respect to this Dan Rassler, is that correct?

KM That's correct.

VL Um, and I guess until this point ah, given the culmination of incidents including the hypnosis and the ah, conversation that Patty Wetterling had with Dan Rassler as well as conversations that ah the police have had with Mr. Rassler, his reactions appear to be somewhat unusual and suspect is that fair?

KM That's fair.

VL Um, obviously my concern is that whether there's enough here to get the search warrants, I would certainly agree that the entire set of circumstances seem somewhat um, suspicious and his reactions seem suspicious, so, um, maybe I could ask you, Ms. Kendall, ah, kinda about what you perceive as the legal basis for getting this search warrant at this point.

JK In terms of probable cause being it more likely than not that there's something there, that's what we're-we're giving you everything. Um, when Agent McDonald came to us and said what do we put in the warrant, I said everything (slight laugh) um, so that the Judge really has a full picture of what leads you to this point. Now obviously in 21, 22 years of investigation there is more, out there...

VL Sure.

JK ...um, we put this much in to come to you and if the court would like more, if there's specific things that the court wants to know more about that's why we thought we might need a recording and we might need a court reporter because it was hard to know how much to put in.

VL Okay. Well I mean I get the impression from reading the application for the search warrant that, um, there is at least some sense after talking to Mr. Rassler's parents that they have, their own suspicions, um and again I'm not sure that that really amounts to probable cause, but it certainly ah, would obviously be law enforcement to become more suspicious...

JK Um-hm.

VL ...I would, expect. Ah, Mr. Rassier's reactions to being questioned again seem, suspicious. Um, and his comments about, suggesting that the police should have searched his property more thoroughly would, seem to be sus-suspicious to the court. Ah, I guess if there is anything that, your office or the police have Ms. Kendall that could tie him a little more directly, um, I would like to know that, I'm not saying I won't sign it but I guess I would like to know that.

JK Everything that I know is in that warrant, so it's been ah, I would direct those to-to you Ken.

KM I'm thinking...

VL That's fine.

KM Like Janelle said we just a- a lot of it in the warrant so I'm trying to think of...

VL Sure.

KM ...additional information. Um. One thing I didn't, where does this record go? Just...

VL I don't know that it's really going anywhere right now, I...

JK I will transcribe it and add it to the application, so it will be part of the application as well...

VL Okay.

JK ...anything that we say...

KM Okay.

JK ...here is also part of it, so when that becomes public, this becomes public as well.

VL Okay.

KM I didn't-we have hold back information for each investigation...

VL Sure.

KM ...and I didn't put that in there.

VL Okay.

KM For that reason. Um, some of that is where, you know, the abductor went up, had the boys lie on the ground, he was very systematic was asking their ages and what not.

VL Okay.

KM And made the selection presumably based upon at least part of that.

VL Okay.

KM Um, that with I didn't get into the gender ah preference of Rassier...

VL Okay.

KM ...we have done some background on him, he doesn't, we searched the computer, but if our knowledge he-he teaches young boys at that age...

VL Right.

KM ...other than that, we cannot find him with history of dating men or women or having relationships so...

VL Okay.

KM ...um, other information we have is, you know, (inaudible) why would someone do one particular crime like this and then stop and never do anything more.

VL Right.

KM Um, we have, ah, conducted investigation, he-he mentioned that he travels in Europe or at least did, ah, he made some strange comments about being on a train but never really specifying, we tried to investigate that through INTERPOL...

VL Okay.

KM ...with not much success, um, he is in habit of runner and some of the theories are that he runs to suppress, um, he runs marathons throughout the United States, that too we have...

VL Okay.

KM ...followed him and contacted law enforcement in each of those, and no similar crimes, but a newspaper article, again this is all very circumstantial, but...

VL Sure.

KM ... (inaudible) a newspaper article interviewed him once about running and he mentions that he runs to suppress pain. You know and you can interpret that to well he running and suppressing pain with running or is he running away from something.

VL Sure. Okay.

KM Um, I-that, based on the information on that vehicle turning around, I mean that was a focus our investigation for a long period of time, well the most logical things to me is it happened right at the end of the driveway...

VL (inaudible)

KM ...and his parents happened to be gone and...

VL Sure.

KM ...and there was no vehicle seen along those lines...

VL Okay.

KM ...which is already in the warrant.

VL Well the other thing that I thought was interesting is his parent-ah, the way he could recall such details ah before and after but having a little more problems with the-the time frame right exactly around the abduction. Um, I guess since we are putting this on the record, I want to be specific about one thing also. Um, I don't think it's a big part of the application for the search warrant, but, I know um, (inaudible name) used to be (inaudible) it's now (inaudible), um, I wouldn't say we're close friends, but my husband and I do socialize with her and her husband occasionally, um, she's obviously a very small paragraph in here and she's never told me anything about this, so, the first I learned about this was reading the search warrant. Um, I am going to execute the search warrant ah with the information contained in the application, ah, as well as, ah, the information that has been ah supplemented by ah Agent McDonald.

(short pause)

VL I'm assuming that ah, lots of times search warrants are confidential but I'm assuming you want absolutely no information about this...

JK Yes your Honor, and that is the application to seal as well, until and unless any criminal charges were to arise out of this incident that these would be kept with Agent McDonald's file um and we were just talking about keeping a copy in a secure location in our office that would not be accessible generally to the office, but it might be safer honestly to just keep it with you, however you want to do that Ken, but yes, that is the motion to seal (inaudible).

VL Alright. I would ask that you raise your right hand. You swear the information contained in the application for the search warrant is true and correct?

KM I do. Can we shut this off now? Or do you want to keep it on?

VL You can shut it off.

KM Okay.

(end of tape).

SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN AND/OR DEPUTY NATE WATSON, AND/OR DEPUTY STEVE MATHEWS AND/OR FBI SPECIAL AGENT SHANE BALL, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NWY- of NE-); that part of the Southwest Quarter of the Northeast Quarter (SWv.. ofNE-) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt ofNEv..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SWv.. ofNEY4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NEY.. of NW-) and the South 50 acres of West Half of the Northwest Quarter (WYz ofNW14) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz ofSEY4 ofNE-), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NWv.. ofNWv..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NWv.. of NW-); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt ofNWv..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE- ofNW14 of Section 14, Township 124, Range 29. and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D.

located in the Township of St. Joseph, County of Stearns, State of Minnesota, for the following described property and things:

1. Jacob Erwia Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

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NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

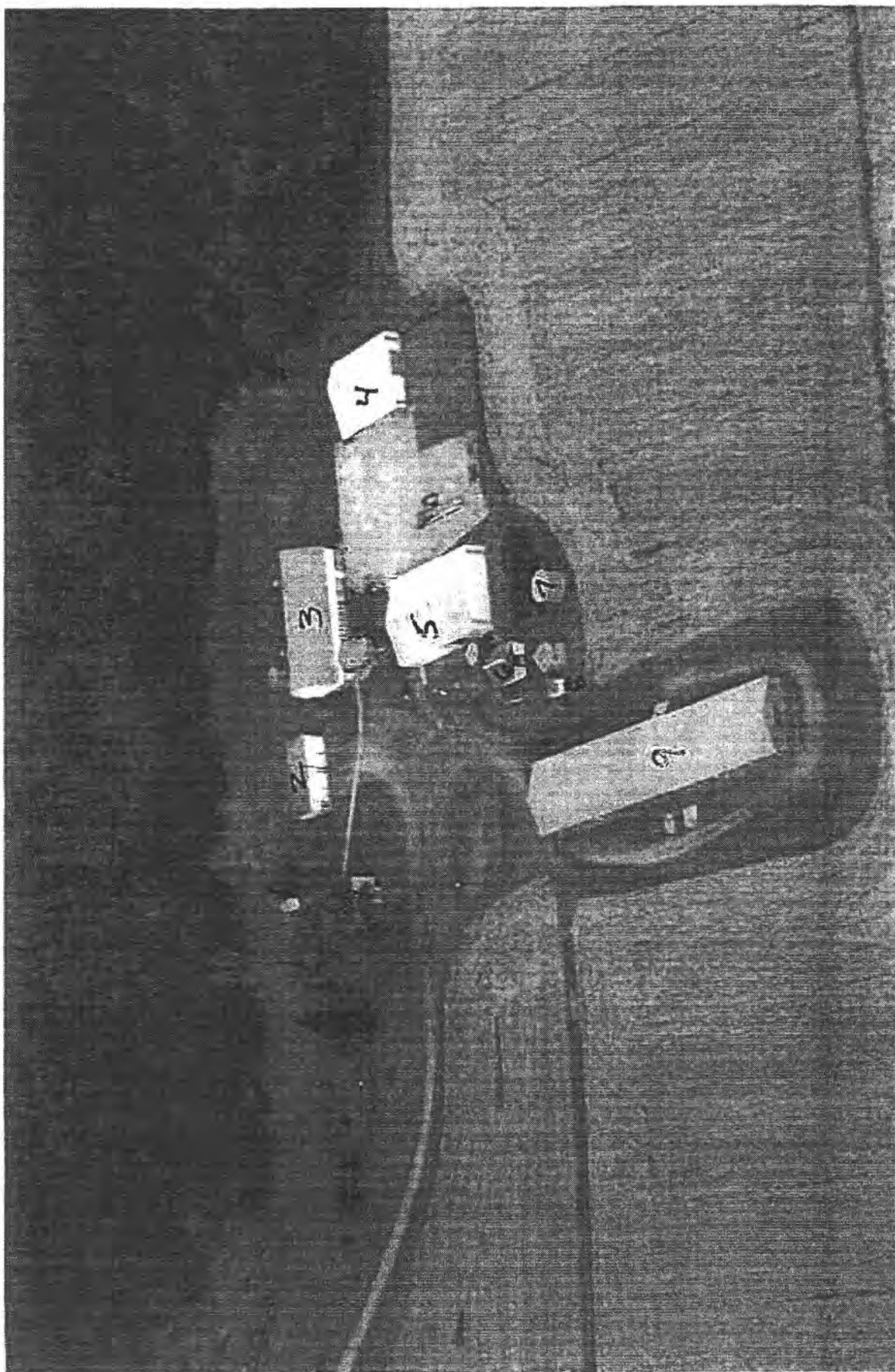
NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, AND/OR NATE WATSON, AND/OR STEVE MATHEWS, AND/OR SHANE BALL, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

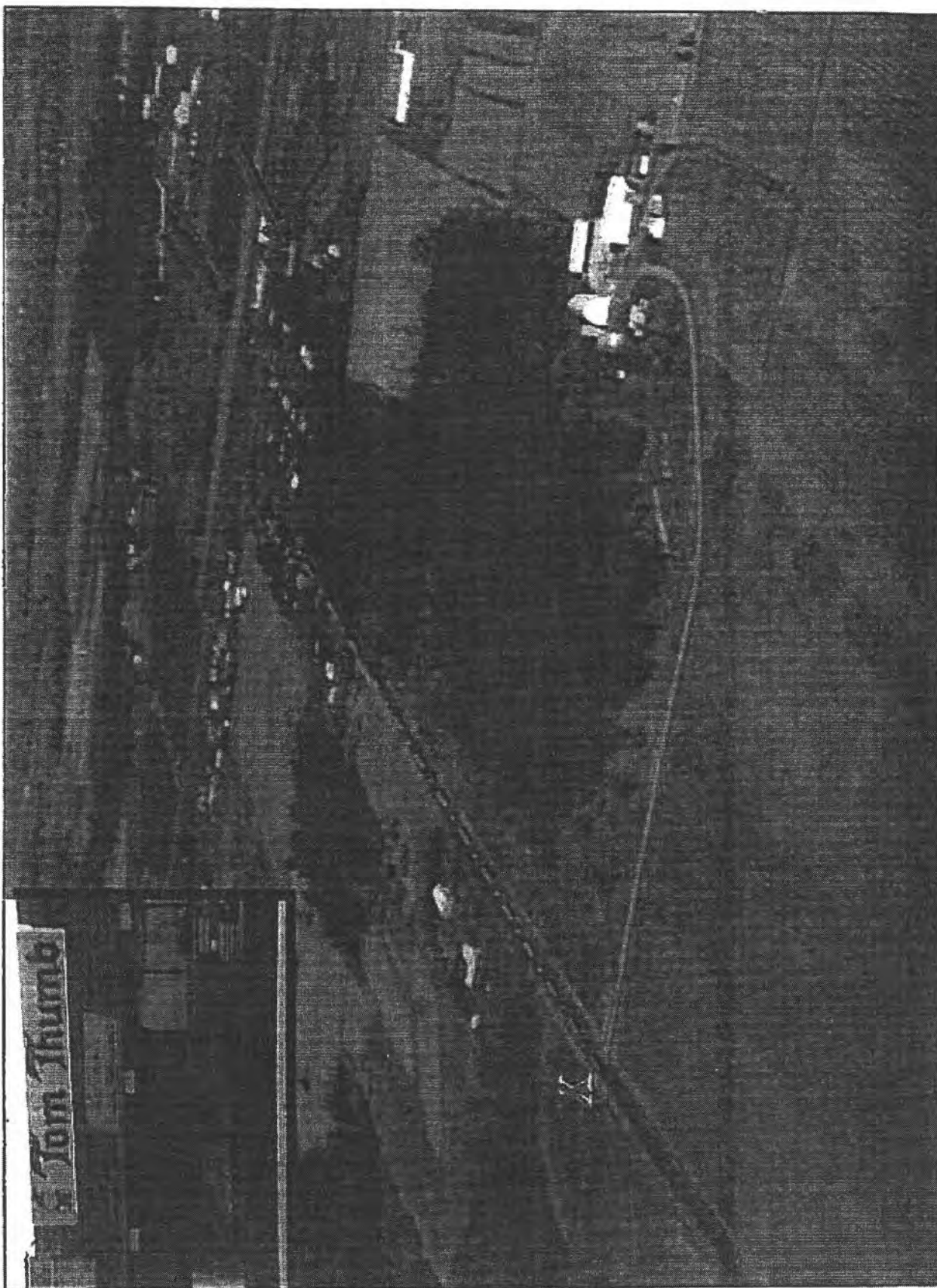

JUDGE OF DISTRICT COURT

Dated: June 28, 2010

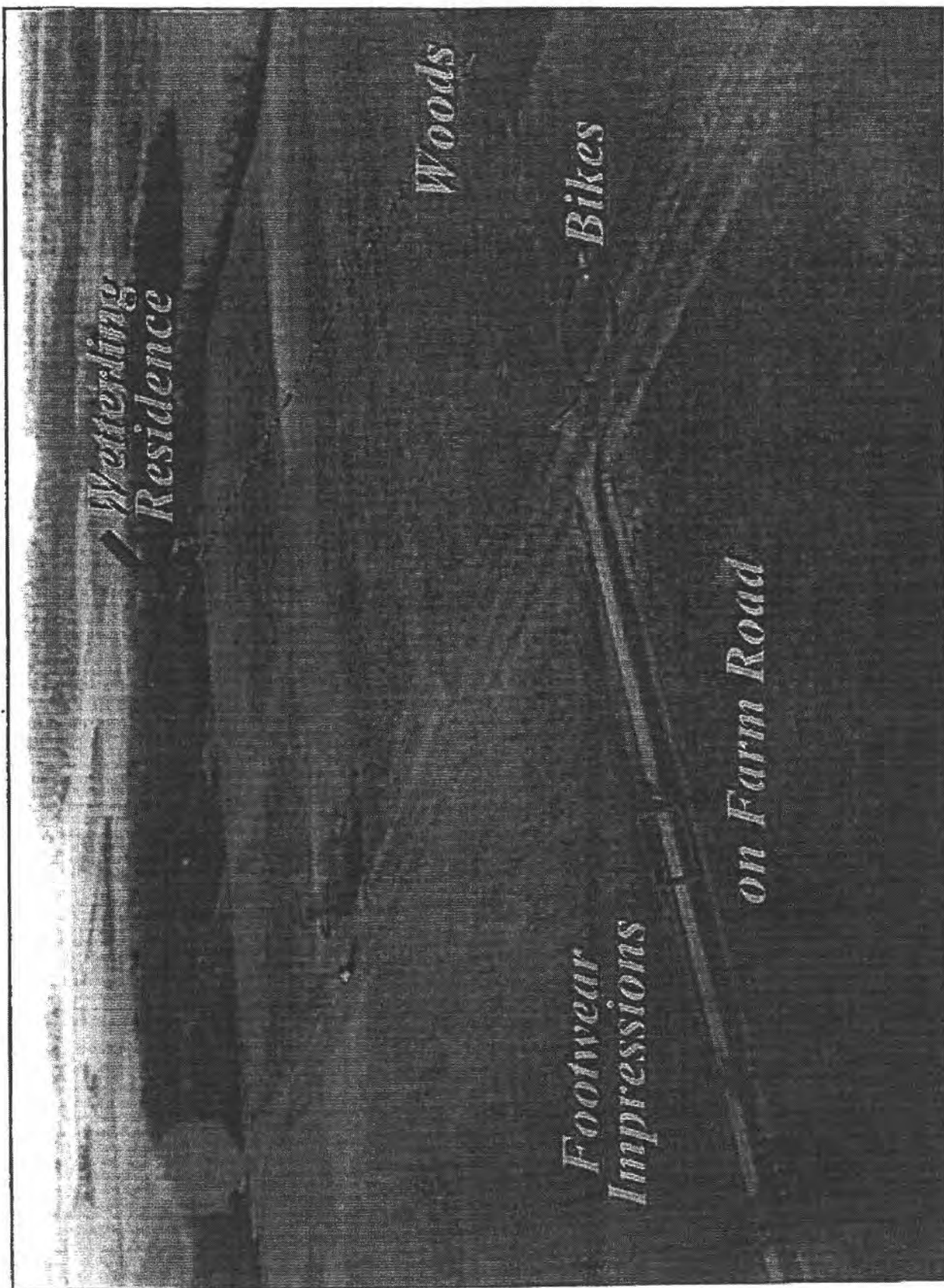
Appendix A



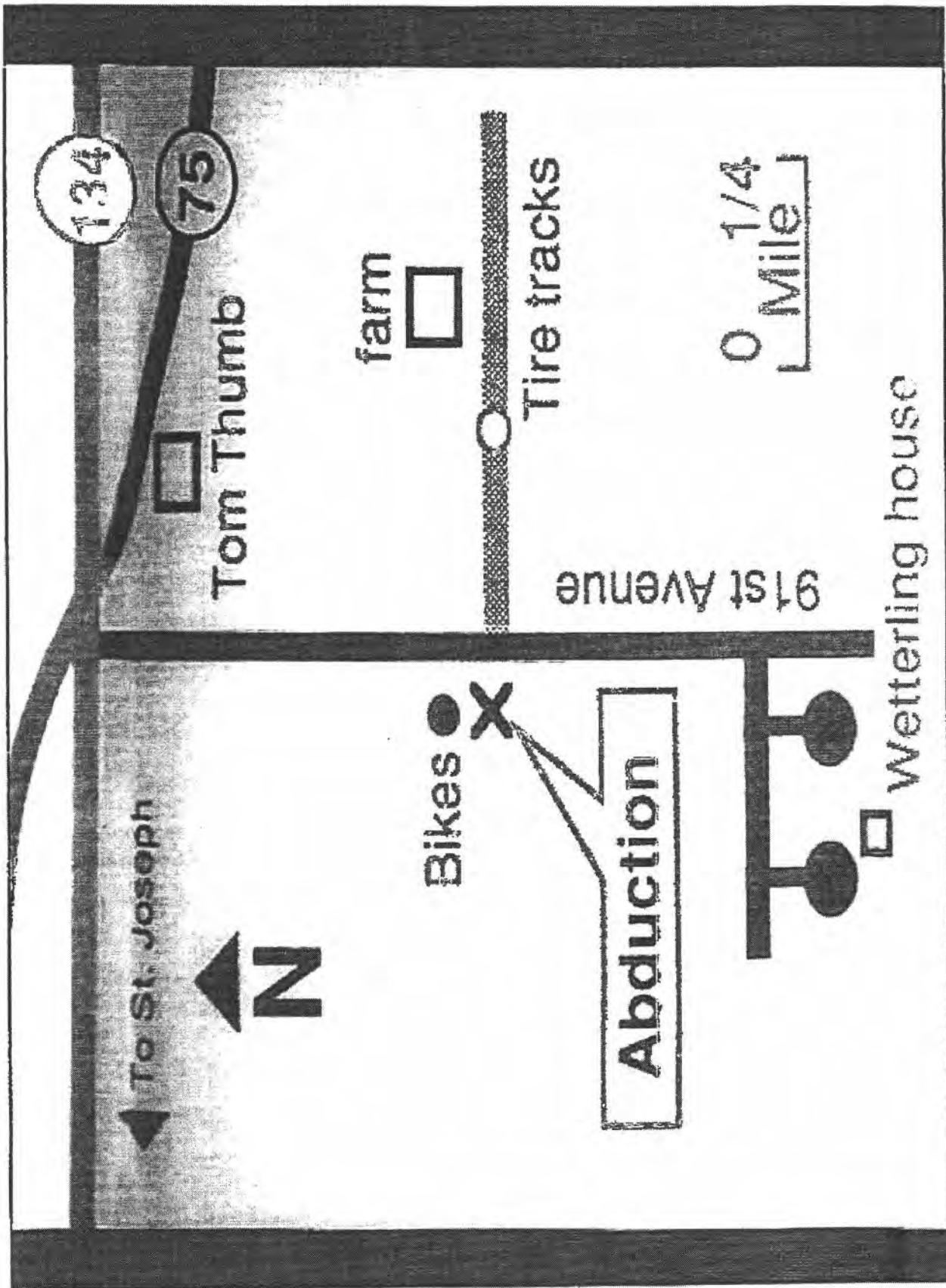
Appendix B



Appendix C



Appendix D



STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth McDonald, received the attached search warrant issued by the Honorable Landwehr, on June 28, 2010, and have executed it as follows:

Pursuant to said warrant, on, at, I searched the (premises) described in said warrant, and left a true and correct copy of said warrant) (at) Residence Sept 9, 2106

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

See attachment

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
- I shall (retain) or (deliver) custody of said property as directed by Court order.

I, Kenneth McDonald, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

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2/143



MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Bureau of Criminal Apprehension

1430 Maryland Avenue East
St. Paul, MN 55106

TEL: 651-793-2900
TTY: 651-282-6355
FAX: 651-793-2901

Laboratory Number
S890-1699

Agency Case Number

39

LABORATORY CRIME SCENE EVIDENCE RECEIPT

Stearns County S.O.

COUNTY:

TYPE OF CASE: Kidnapping

Attn: Cpt. Pam Jensen

Related Case #'s:

CIRCUMSTANCES AND PURPOSE OF ANALYSIS

Offense Date: 10/25/1989
Offense Location: St. Joseph, MN
Case Comments: Stearns Co
LGG Team Leader

PRINCIPALS:

ITEM DESCRIPTION OF EVIDENCE:

Collection Date: 07/01/2010

Collection Time: 17:30

Collection Type: ATS - Collected at scene

Collection Location:

Item No.	Packaging and Type	Source/Description
1	One cardboard box containing evidence classified as an item of evidence	metal umbrella stand from the garage attic
51.A	One manila envelope containing evidence classified as a swab	metal umbrella stand from the garage attic
52	One cardboard box containing evidence classified as an item of evidence	chaise lounge from the garage attic
52.A	One manila envelope containing evidence classified as a swab	from the chaise lounge from the garage attic
53	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
54	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
55	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
56	One manila envelope containing evidence classified as a swab	from inside the trunk from the garage attic
57	One manila envelope containing evidence classified as a swab	from inside the trunk lid from the garage attic
58	One brown paper bag containing evidence classified as an item of evidence	wood pieces from the garage attic
59	One brown paper bag containing evidence classified as an item of evidence	wood pieces from the garage attic
60	evidence classified as an item of evidence	trunk from the garage attic
61	One brown paper bag containing evidence classified as an item of evidence	knotted fabric from the ash pile
62	One brown paper bag containing evidence classified as an item of evidence	red shoe lace from the ash pile
63	One manila envelope containing evidence classified as a control sample	of pheno reagents
64	One manila envelope containing evidence classified as a control sample	of Nite-Site luminol
65	One manila envelope containing evidence classified as a control sample	of BCA luminol
66	evidence classified as an item of evidence	50-60 cubic yards of dirt

Submitted By

Received By

Crime Scene

Quincy Kyfield

7/1/10

Submission Date

Page 1 of 1

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

STATE OF MINNESOTA)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

) SS.

COUNTY OF STEARNS)

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The house located at 29748 - 91st Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Ramslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 23 years, the last 20 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed

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other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, age 10, and a mutual friend, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away (see Appendixes A, B, C and D, attached hereto and hereby incorporated herein). The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim

with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms.

When and were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. described hearing footsteps in the gravel driveway as they approached. then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped and he said his age, then and then Jacob. He then told to run in the woods or he would shoot. Next he looked at face and told him the same. The boys did as they were told.

 and then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

-----At the time of the abduction, Daniel Alfred Rassier, DOB: 10/25/55, was living with his parents, Robert and Rita Rassier at the residence at 29748 - 91st Avenue. However, at the time of the abduction, Robert and Rita Rassier were vacationing in Europe. Therefore, Daniel Rassier was the only individual at the residence at that time.

That night, October 22, 1989, Dan Rassier was interviewed by law enforcement. He described a vehicle, a large tan or yellow dirty car, turning around in his driveway earlier that day, between 11:30 a.m. and 4:00 p.m.. He said the vehicle left his residence at a high rate of speed.

Also that night, on October 22, 1989, Rassier said he saw another vehicle turn around at his residence between 9:00 and 10:00 p.m., describing it as a smaller dark blue vehicle, coming into his driveway, turning around, and leaving. He said the headlights were on and the driver may have had them on dim, and he thought the style was similar to a Chevette. He said he saw something on the driver's side, and thought it was a flashlight or a reflection from the yard light. When later interviewed in November 1989, Rassier claimed that he may have seen Jacob in the front seat of that car.

In October of 1989, Kevin Hamilton said he did report to authorities that he heard over his police radio scanner that a child had been abducted near the Rassier farm. He did get in his vehicle, described as a midsize silver car, and go to the Rassier farm, drive up the driveway, turn around and leave. Hamilton said that this was reported to a St. Joseph police officer, but the information apparently did not get into the investigative file at that time. Kevin Hamilton came forward a second time on October 21, 2003 and did provide law enforcement with his recollection of what he did that evening. It is believed that the Hamilton vehicle is the one described by Rassier as being in his driveway between 9 and 10 p.m. on October 22, 1989.

On October 24, 1989 at 1:00 p.m., Detective Boeckers of the Stearns County Sheriff's Department interviewed Daniel Rassier at the junior high school in Cold Spring, Minnesota. During that interview, Rassier indicated that he lives at the farm with his parents, Robert and Rita Rassier, who were currently away on vacation on an extended trip to Europe.

Rassier recalled that on the evening of the abduction, he had been home performing a typing project in the upper level of the residence. Rassier stated that between 9:00 and 9:30 p.m., the family dog began barking. At that time he observed a vehicle enter the driveway, turn around, and leave. Rassier indicated that the vehicle was driving at a faster than normal rate of speed and provided the above described blue vehicle description to Detective Boeckers. Rassier also advised that earlier in the day he had seen a larger vehicle turn around in his driveway.

Later on October 24, 1989, Detective Boeckers and FBI Agent Temper re-contacted Rassier for the purpose of obtaining photographs of Rassier's vehicle for comparison to the vehicle tracks in his driveway. Detective Boeckers' reports indicate that Agent Temper also interviewed Rassier again regarding his activity during the day of October 22, 1989.

On October 28, 1989, at 10:40 a.m., Detective Boeckers re-interviewed Daniel Rassier at his residence. Detective Boecker reports that upon arriving at the residence, Daniel Rassier displayed various shoes that he had worn on October 22, 1989. It was the officer's opinion that none of the shoe patterns were consistent with the shoe impressions found on the driveway near where the child had been abducted.

Upon questioning, Rassier provided Detective Boeckers with a more complete description of his activities on October 22, 1989. Rassier described many activities within the St. Cloud area, then returning to his residence at approximately 6:00 p.m. Once again, he described the typing project for school. The interview and overall investigation shows that Rassier likes to be organized. He reported that between 9:00 and 10:00 p.m., he observed a vehicle enter his driveway and turn around. At approximately 10:45 p.m. Rassier said he went to bed. Shortly thereafter, he heard his dog named Smokey begin barking. Rassier got up, and observed a flashlight in the southwest direction from his house near a woodpile. Rassier indicated that shortly thereafter he called 9-1-1, at which time he was informed by the dispatchers that members of the sheriff's office were present at his residence. Rassier stated that at that point he left his residence and spoke with officers at the scene for a short period of time. It is confirmed through police reports that Rassier did call 9-1-1 and speak with responding law enforcement officers that night. Rassier said that he then returned home and checked a number of outbuildings on the property, including a shed, a tree house, the hay barn, a shop, and the milk house. Rassier

said that at about 2:00 a.m. he returned to his residence and went to bed. Rassier did not contact any other individuals in regard to learning of the abduction.

Rassier indicated that at 6:45 a.m. on October 23, 1989, he woke up, went to the milk house to feed the cats and let the horses out. At 7:30 a.m. Rassier left the residence and spoke briefly with a deputy sheriff at the scene while leaving, arriving at school at 7:55 a.m. and returning home from work at 4:10 p.m.

On October 28, 1989, at 1:10 p.m., officers asked for consent to search the Rassier residence. They obtained permission from Robert Rassier and Dan Rassier to search their house. Investigators searched the Rassier home, terminating the search at 2:15 p.m. During the search, nothing was seized from the Rassier residence.

On October 28, 1989, FBI agents interviewed Dena Boettcher. Boettcher indicated that she was a teacher at Cold Spring (ROCORI) High School and was acquainted with Dan Rassier, also a teacher at the school. She indicated that she had gone on one or two dates with Rassier. She recalled one date going to a Twins game with other couples. She said Rassier did not want to interact with the other couples. On another occasion, they went to a drive-in movie and then had a long conversation at her residence. At one point she asked Rassier if he had ever had sex. Rassier advised her that at the time he believed he had a double personality and that his other self had had sex.

On November 11, 1989, Detective Whipple from the Benton County Sheriff's Office contacted Daniel Rassier and re-interviewed him with FBI Special Agent Al Garber. The interview was in regard to Rassier making comments at school about the Wetterling case. The comments were determined by the officers to be inconsequential. Rassier also provided investigators with two of his best friends' names, both of whom were male. Rassier further indicated that he had no female friends that he socialized with and overall had very little social life.

~~On November 27, 1989, Dr. John Rhetts, a licensed consulting psychologist, conducted a~~ hypnotic interview with Daniel Rassier. The purpose of the interview was to enhance Rassier's recollection of the two vehicles he observed turning around on his property on October 22, 1989. This interview was a volunteer hypnotic interview and was videotaped.

In January of 2004, your affiant and Captain Pam Jensen of the Stearns County Sheriff's Department reviewed the video tape of the hypnotic interview Rassier provided on November 27, 1989. Your affiant and Captain Jensen also listened to the 9-1-1 tape in which describes the events that occurred. Your affiant and Captain Jensen also reviewed the information in regard to Kevin Hamilton, the driver who had turned around in the Rassier driveway on October 22, 1989, who had come forward the second time, and who was subsequently eliminated as a suspect in the child abduction investigation.

On February 7, 2004 at 2:00 p.m., your affiant and Captain Jensen interviewed Daniel Rassier in regard to the current Hamilton vehicle information. Daniel Rassier voluntarily came to the Stearns County Sheriff's Department for this purpose. Your affiant and Captain Jensen reviewed the hypnotic interview with Rassier to refresh his memory, pointing out the primary objective of

the hypnotic interview at the time was to see if more detailed information could be obtained about the vehicles that turned around in his driveway. However, upon having the vehicle in question investigated and eliminated as being suspect, your affiant and Captain Jensen reviewed the hypnotic interview with Rassier from that perspective, with the vehicle being eliminated. From this perspective, there were comments and reactions Rassier made throughout the hypnotic interview that raised new questions as to Rassier being the suspect/abductor. Your affiant and Captain Jensen told Rassier that they wished to discuss some of these observations with Rassier, including Rassier listing details of his activities throughout the day into the evening hours of October 22, 1989, stating examples of typing out cards, and getting ready for class the following Monday morning. The hypnotic interview showed that Rassier is very detail oriented, and in the interview, Rassier gave extensive details regarding this planning, quoting "I enjoy getting everything perfect... so I feel good about it." However, during the part of the hypnotic interview covering the time frame in which Jacob was abducted, Rassier said he lost track of time. Once the abduction time frame was over, he became more detailed in his recollection of what occurred that evening.

Also during the hypnotic interview from November 27, 1989, Rassier described how he knew a car was coming up the driveway because his dog Smokey began barking. Rassier described looking out the upstairs window, watching the vehicle coming into view. At this point in the hypnotic interview, Rassier began crying. Rassier said he ran from room to room to watch the vehicle. Rassier was very upset and notably shaking when he was discussing this. Rassier stated that if a perpetrator wanted Jacob he would have gotten him eventually. Rassier described that as the vehicle went up the driveway and turned around, that the driver might be an abductor. Rassier also said in this hypnotic interview that he may have seen Jacob with a flashlight as the car went by. When the car left, Rassier said that Smokey quit barking, and Rassier went to bed.

Further on in the hypnotic interview, Rassier recalled hearing Smokey bark again. He jumped up, looked out his window and saw spotlights down by the wood pile. Rassier commented that he was very nervous and could not get dressed and that he was very scared and in big trouble. ~~Rassier also stated that he turned the lights off.~~ In this hypnotic interview, Rassier seemed overly concerned about a vehicle coming in the driveway.

Continuing in the hypnotic interview, Rassier said that he called 9-1-1 and spoke with a dispatcher and learned that a boy had been abducted. He said that Smokey kept barking at the lights and he could not sleep. He was wondering why law enforcement were not looking in the out buildings. Rassier said he eventually went out and spoke with law enforcement and at that time Rassier said he went back and looked in the tree house.

Moving then to the interview in February 2004 in which your affiant and Captain Jensen discussed the contents of the videotaped hypnotic interview from 1989 with Rassier, Rassier commented that the dog Smokey would bark at any activity that occurred at the end of the driveway. Smokey would not bark if he was familiar with the person. Your affiant and Captain Jensen pointed out that Rassier said he had watched the vehicle come from the end of the driveway, turn around and leave, and that Smokey was barking at that time, so why wouldn't Smokey be barking during the time in which Jacob was being abducted? Rassier would not provide a definitive answer.

During the hypnotic interview, Rassier was asked if he knew Jacob Wetterling. Rassier indicated no and then began crying, stating he didn't think he would do this. During the hypnotic interview, Rassier's emotions were stable during the questioning about the vehicle or as he recalled the events throughout the day, however during the period in which the questions turned to Jacob's abduction, he began crying and shaking, then would recover and stop crying when questions were not related to the actual abduction. When he was asked about Jacob Wetterling again, he would again start crying.

Your affiant and Captain Jensen explained to Rassier that the boys' trip to the convenience store was not on a regular basis. Very few people knew that they were going there on the evening of October 22, 1989. It was pointed out that _____ said that when they rode by the Rassiers' driveway on the way to the video store, they heard some rustling in the weeds, and it startled all the boys and they rode their bikes and scooter faster. On the way back from the convenience store they were carrying a flashlight. As they approached the Rassier driveway, _____ said his first sense of the abductor was that he heard someone walking down the Rassier driveway on the gravel. The abductor appeared from that area and stopped them. _____ looked up the driveway and saw no vehicle and did not mention any barking dog at the time. The commands from the abductor were very precise.

It was therefore pointed out to Rassier that it was the investigators' opinion that the abductor came from the Rassier farm and no vehicle was used. It was also pointed out to Rassier that it was the investigators' opinion that whoever abducted Jacob Wetterling had to have been from the area and that no vehicles came up the road from behind the boys as they were returning from the store. It was also pointed out that in reviewing the 9-1-1 tape, dispatchers may have inadvertently been somewhat leading with the boys, citing, for example, that the abductor had a raspy voice or questioning if in fact he had a gun. Upon pointing out some of these facts, your affiant and Captain Jensen accused Rassier of taking Jacob Wetterling. Rassier did not have much of a reaction to that. However, he continuously went back to the fact that it must have been the person that turned around in the driveway. Beyond that, during the 2004 interview, Rassier never directly addressed the accusation. When confronted, Rassier would repeatedly respond by indicating that it must have been the vehicle that turned around earlier in the afternoon. Rassier refused to allow your affiant or Captain Jensen to eliminate the vehicles as an option in the abduction.

Rassier did admit to your affiant and Captain Jensen that if he did take Jacob he would have plenty of time and locations to dispose of him on his farm. He said he felt law enforcement made mistakes by not searching his place until approximately four or five days after the abduction. It is your affiant's and Captain Jensen's opinion that Rassier seemed to be enjoying this part of the conversation, smirking at times, also noting that investigators had one problem, they had no physical evidence.

It was also pointed out to Rassier that if a child was abducted from the end of a person's driveway and law enforcement was present, why would he not contact any friends or relatives and eventually tell them about this traumatic event. Rassier made no comment about this.

On February 12, 2004, at 9:00 a.m., your affiant along with Investigator Troy Jansky went to the Rassier farm and spoke with Rita and Robert Rassier. Your affiant and Detective Jansky explained to Robert and Rita Rassier that they felt their son Dan was a suspect in the abduction of Jacob Wetterling. The Rassiers did not show much emotion after being presented this information. Robert Rassier did indicate that his son had told him that law enforcement no longer believed the vehicle that turned around in the driveway was the abductor. Robert stated that his son did make a comment that "Dad even if I did do it I had all kinds of time to get away with it" and that Dan was upset and voiced frustration with the sloppy police work that was conducted.

Your affiant and Detective Jansky inquired if Dan Rassier used a computer within the home. Rita Rassier indicated that there was a computer they shared that was kept in the basement that did have internet access. Your affiant and Detective Jansky obtained permission to search the computer to determine what had been viewed on the internet. While searching the computer, your affiant did not find any type of inappropriate material on the computer. However, during the time of this review of the computer, Rita Rassier voluntarily began making comments that if her son Dan did take Jacob Wetterling, she would provide theories on how he would do this.

Your affiant along with other law enforcement visually watched Daniel Rassier from October 15 through October 19, 2007 to obtain a better understanding of his daily activities. In summary, Rassier would leave his residence early in the morning and go to the school at Rocori where he is employed as a teacher. He'd often stay there until seven or eight at night and return home. Occasionally, on Tuesday or Wednesday nights he went to the Saint Benedict Center to play his musical instrument along with a small group of other musicians, or went to the Midwest Athletic Club in St. Cloud to exercise. No other friends or associates were noted during this timeframe.

On November 7, 2007, your affiant applied for a mail cover through the U.S. Postal Service for Dan Rassier and the address of 29748 - 91st Avenue, St. Joseph, noting that the mailing address has changed since the time of the abduction. Your affiant did receive copies of mail during the timeframe of December 11, 2007 through January 9, 2008. ~~Your affiant reviewed the mail which Dan Rassier was receiving. Even though this time period was during the holidays, Rassier received only one piece of mail that may have been a Christmas card and did not receive any other inappropriate mail during the timeframe.~~

In October of 2009, your affiant along with Captain Jensen communicated with Patty and Jerry Wetterling in regard to having Patty Wetterling wear a recording device and meet with Dan Rassier. It was decided that the meeting would be under the pretense that Patty would accidentally run into Dan and have a conversation with him.

On October 20, 2009, Patty Wetterling, wearing a body recording device and being monitored by law enforcement, met with Dan Rassier as he was coming out of a health club in St. Cloud. During the conversation, Rassier told Patty Wetterling about the car turning around in his driveway and that he felt he saw Jacob looking out the window of the car.

Patty asked Rassier if he knew what happened to Jacob. Rassier responded no, no one knows for sure, I do know that the driver of the car was the person who did it. During the conversation

Patty Wetterling asked where Jacob could be. Rassier said that he has this fear in the back of his mind, and that the police have made him feel so guilty, to the extent that if other people were aware of that they could go on his property and bury Jacob, then commenting that "he would be dead," making reference to being in trouble with law enforcement. Patty Wetterling commented that nobody could come on your property and bury him without you knowing. Rassier responded by indicating they could do it easy, further commenting that they could park their car somewhere and just walk through the woods and bury him.

Rassier mentioned that law enforcement did dig around in a gravel pit on their property looking for Wetterling, indicating they only messed it up, and if someone would have buried a body back there they would never have found it the way they did it.

Patty questioned Rassier saying "well you dig around there a lot, did you ever find a body?" Rassier responded "I found a dog because I dug it up because I actually thought it was Jacob", stating this was located in a known sunken part of the property. Patty Wetterling then questioned why he was digging in the gravel. Rassier responded that he recycles cans and that was his favorite area, as they used to throw metal in that area.

During the conversation, Patty Wetterling made a comment that whoever did it has had a life of hell. Rassier commented, "I think the person that did it is probably dead."

Patty informed Rassier that the person came from his driveway and that he was carrying a gun. Rassier questioned whether the boys really did see a gun. Wetterling also described having a flashlight. Rassier questioned having had a flashlight, and asked if the abductor told him to turn off the flashlight. Rassier also questioned whether it was possible the guy did not have a mask on, and whether the abductor had a hat on. Rassier also questioned Wetterling whether or not the boys recognized the abductor's voice.

On March 19, 2010 Patty and Jerry Wetterling went to the Rassier farm to speak with Robert and Rita Rassier. ~~As part of the conversation Patty mentioned that she had spoken with Dan in~~ October. The parents indicated that Dan made no mention of this conversation.

Based on your affiant's training and experience, and based upon this summary of facts known through this entire investigation dating back to 1989, your affiant has reason to believe and does believe that the remains and/or clothing of Jacob Wetterling and other items described will be found on the described property, and thus requests this warrant to search the above described property for these described items.

In summary, the victims describe hearing something in the weeds as they passed the abduction site heading towards town. The abduction occurred at the end of the Rassier driveway, the property your affiant seeks permission to search. The suspect, Daniel Rassier was home alone at the time of the crime. The other victims describe seeing no vehicles, not hearing a dog barking, and noted that the abductor came from the driveway of the Rassier farm. The abductor appeared to be detail orientated and Rassier has the same traits. Rassier has stated that he has a double personality. Shortly after the abduction, in the context of the hypnotic interview, Rassier commented he was very scared and in big trouble. Also during the hypnotic interview, Rassier

was very detailed in describing his day on October 22, 1989, until the time of the abduction. Rassier has admitted there are plenty of places on the farm to dispose of a body. He also has expressed concerns that Jacob Wetterling may be buried on the farm which is the described property in this application.

Your affiant along with others under his direction and control seek permission to search the land and outbuildings described, beginning with less invasive methods of searching but continuing, if necessary, using all resources available to locate the subject items of the search.

Your affiant also states that per the boys' original reports on the night of the abduction, ordering each one, in order, to state his age, while the boys lay in the ditch as directed.

Your affiant also notes that Dan Rassier is an avid runner, including running marathons throughout the United States. Rassier stated in a news article that he runs to suppress pain. Your affiant believes that this pain may be associated with the events described herein.

Your affiant also notes that the age of the children at the time of the abduction is the age that Rassier teaches at his job as a school teacher, that Rassier has no known dating history beyond that described herein, and that he has been further investigated by Interpol regarding comments he made on a train while traveling in Europe.

Finally, your affiant notes that once the vehicle turning around in the driveway was eliminated from suspicion by investigation, the facts regarding the abduction occurring at the end of Rassier's driveway, with no vehicle involved, no barking dog, and the subsequent events described, give good reason to believe that the described items will be found at the described location.

Upon further investigation in preparation for the search described above, it has been determined that a portion of the land, a wooded area just beyond the Robert and Rita Rassier farmstead, was deeded to their son, Anthony Rassier, on 11-20-96. Due to the proximity of this land to the area to be searched (See Aerial Photo A, attached hereto and hereby incorporated herein), and due to the fact that Robert and Rita Rassier did own this property and did, with their son Dan Rassier, have full access to it from 1989 until the deeding, and due to the close proximity to their home and the cover of trees making it possible to hide the subject of the search in this area, concluding with your affiant's opinion that it is reasonable to believe that due to the proximity and family relationships that Dan Rassier continues to have full access to this described property, further judicial authorization is sought to also search this following described area, including only the land, and not the house and curtilage contained thereon.

This property is fully described as 22912 - 91st Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassier, excluding the home and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

During execution of the prior warrants granted by this court, your Affiant has learned the following information. The search at these premises, including the land and outbuildings previously described, is being conducted by forensic science teams from the Bureau of Criminal Apprehension, Federal Bureau of Investigation and Stearns County Sheriff's Office. Included in the search team are two trained canines and their handlers. Both canine/handler teams have been trained and qualified in the detection of human remains. Each canine and its handler are specifically described as follows:

Marian Beland of Somersville, CT handles K-9 Tracer, a 7 year old Portuguese Water Dog. Beland has handled Tracer from 2003 through the present, and has successfully trained and received certification in Air Scent Woodland Search, Human Remains Detection, Water Search for Drowned Victims, Disaster Search, and Trailing (certified in all areas). Beland and Tracer participated in the Mississippi Archeological Endeavor in April 2005, March 2006 and November of 2006. Beland and Tracer have participated in search and rescue operations in the states of Connecticut, Massachusetts, Rhode Island, New Hampshire, Virginia and Mississippi (during the Hurricane Katrina response), in which Tracer is credited with multiple confirmed "finds". Beland was a member of the North American Police Work Dog Association from 2001-2007, is a Certified Dog Handler in Advanced Cadaver and Disaster work by the International Police Work Dog Association (2006 to present, most recent certification of accreditation 10-2-08, previously on 9-22-06, both with Tracer), and is a Certified Dog Handler in Cadaver: Skeletal Scatter, Building, Vehicle, Buried, Rubble, Above and Hidden by the National Narcotics Detector Dog Association in 2006. Beland and Tracer were certified by the Connecticut Canine Search and Rescue Organization on 5-29-05, and again on 3-20-06. Beland has completed 765 hours of formal K-9 classes with K-9 Tracer, including Cadaver and Disaster specializations. Beland has an Associate of Science Degree in Criminal Justice/Law Enforcement, has worked in 3 law enforcement agencies in Florida, and currently owns and operates Connecticut Canine Search and Rescue, Inc., operating under contract with the Federal Bureau of Investigation for purposes of this search warrant execution at the ~~Russier farm.~~

Lisa Higgins of Covington, Louisiana is a member of the FBI's Forensic Canine Program and a reserve police officer with the St. Tammany Parish Sheriff's Office, Covington, LA. Higgins has trained canines since 1979 and has been certified in human remain detection canines since approximately 1993. She has been qualified in court as a human remains detection canine Subject Matter Expert on two occasions. She is regularly deployed to assist in homicide and missing person cases throughout the United States in Canada, having been trained and certified with three certified search dogs so far. She handles Maggie, a six year old Australian Shepherd, who has been nationally certified since 2002 and recertifies annually. Maggie searches for and locates human remains and body fluids including blood to very small samples in any environment or terrain. Maggie alerts on whole or partial cadavers or portions thereof on surface or sub-surface areas, from shortly after death to advanced stages of decomposition. She can also detect incinerated remains, even if accelerant has been used. Maggie has located human cadavers in water either from the bank side or when deployed in a boat where a large area may be covered. Maggie is trained to identify the odor of human decomposition when there is no physically retrievable

evidence, such as odor adhering to upholstery, carpet or other materials. Additionally, Special Agent Rex Stockham, the Forensic Canine Program Manager for the Federal Bureau of Investigation's Evidence Response Team Unit, has told your affiant that he has worked an investigation with Maggie and Higgins in March, 2009 in which Maggie alerted to the odor of human decomposition on a vehicle containing a mixture of the victim and defendant's blood comingled, said blood spot being approximately 1/8 inch in size, which was later confirmed by full forensic evaluation to be the blood of those persons. It was also Agent Stockham that personally observed both dogs described fail to alert on the visually observable remains identified as a dog or cat in one of the outbuildings searched.

Upon searching the outbuildings pursuant to the prior search warrants in this matter, both dogs described alerted at the odor of decomposed human remains as described below. Both have proven to be consistently reliable in alerting only on human remains as part of their training and certification, specifically and repeatedly exposed to animal remains and trained to not alert on those materials. In fact, both dogs described below have specifically not alerted to the observable skull and bones of a dog or cat inside one of the buildings already searched at the Rassier address.

During the search of the outbuildings on June 30, 2010 both dogs alerted a number of items in the outbuilding marked "2" on the attached Appendix E, attached hereto and incorporated herein by reference. The dogs each, independently of each other, alerted on an area of the wall of the shed which, upon closer visual inspection, was found to contain what appears to be blood, a substantial enough amount to be soaked into the old wooden wall and running down that wall observable visually on the wood as well as a metal strip attached to the wood in that area. Initial tests by Bureau of Criminal Apprehension forensics team members on site show the substance to be blood. Found directly in front of this area of blood on the wall in this shed were 2 items: a wooden chaise lounge also containing what the forensic team leader, Lindsey Garfield, described as blood spatter, and an umbrella stand on which Garfield also found what she described as blood spatter. The dogs also each independently alerted on these items after they were removed from the shed and placed on the grass outside. Additionally, in front of the chaise lounge and umbrella stand was a large wooden box, the dimensions of which are 3'5" long, 1'10 and a half inches high, and 1'6" deep. Both dogs independently alerted on this box as well, but no blood was found on the box. Two photos of the box are attached and hereby incorporated herein as Appendixes F and G.

Capt. Pam Jensen has been at the scene during execution of the warrant, and spoke to Rita Rassier, who resides in the house at this address, about the described wooden box. Rita Rassier told Capt. Jensen that she had acquired the wooden box/chest about 30 years ago, and that it was in her house, the residence at 29748 - 91st Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rassiers" on the front, circled on the attached photo described as Appendix E, attached hereto and hereby incorporated herein, at the time of Jacob Wetterling's abduction. Rita Rassier stated that at the time of the abduction, she stored blankets in the box/chest, but that she had removed it from the house, because the blankets stored in that box/chest "smelled funny", so she'd had it removed from the house approximately six years ago, and it was now stored in the shed previously described, near the house. The photos of the box, Appendixes F and G, show that the

box was found with a small amount of cat litter in the bottom of the box, which, based on your affiant's training and experience, is a substance commonly used in odor reduction, corroborating Rita Rassler's statement that she'd stopped using the box in the house to store blankets because of the smell. Again, both dogs specifically trained and certified in detection of the odor of human decomposition alerted on this box/chest. At the time of his abduction, Jacob Wetterling was 5 feet tall, weighing about 75 pounds. A person of that size would fit in this box, which was kept inside the Rassler house at that time.

Because both dogs have alerted on this wooden box/chest, detecting the odor of human composition, and because the box/chest was stored in the house at 29748 - 91st Avenue at the time of the abduction, and because the box/chest was found in the immediate vicinity in Shed 2 of two items and the wall on which the dogs also alerted, and which visually contained blood and blood spatter, which the dog alerts signify may be human, your affiant seeks permission to search the house described for the items and things previously above listed.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

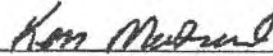
The house located at 29748 - 91st Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

And now further authorization is sought to search for those same items at the following described location:

The house located at 29748 - 91st Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

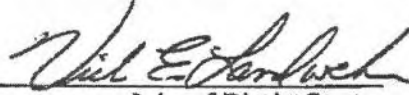
WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, and/or Deputy Nate Watson, and/or Deputy Steve Mathews, and/or FBI Special Agent Shane Ball, and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.



Affiant

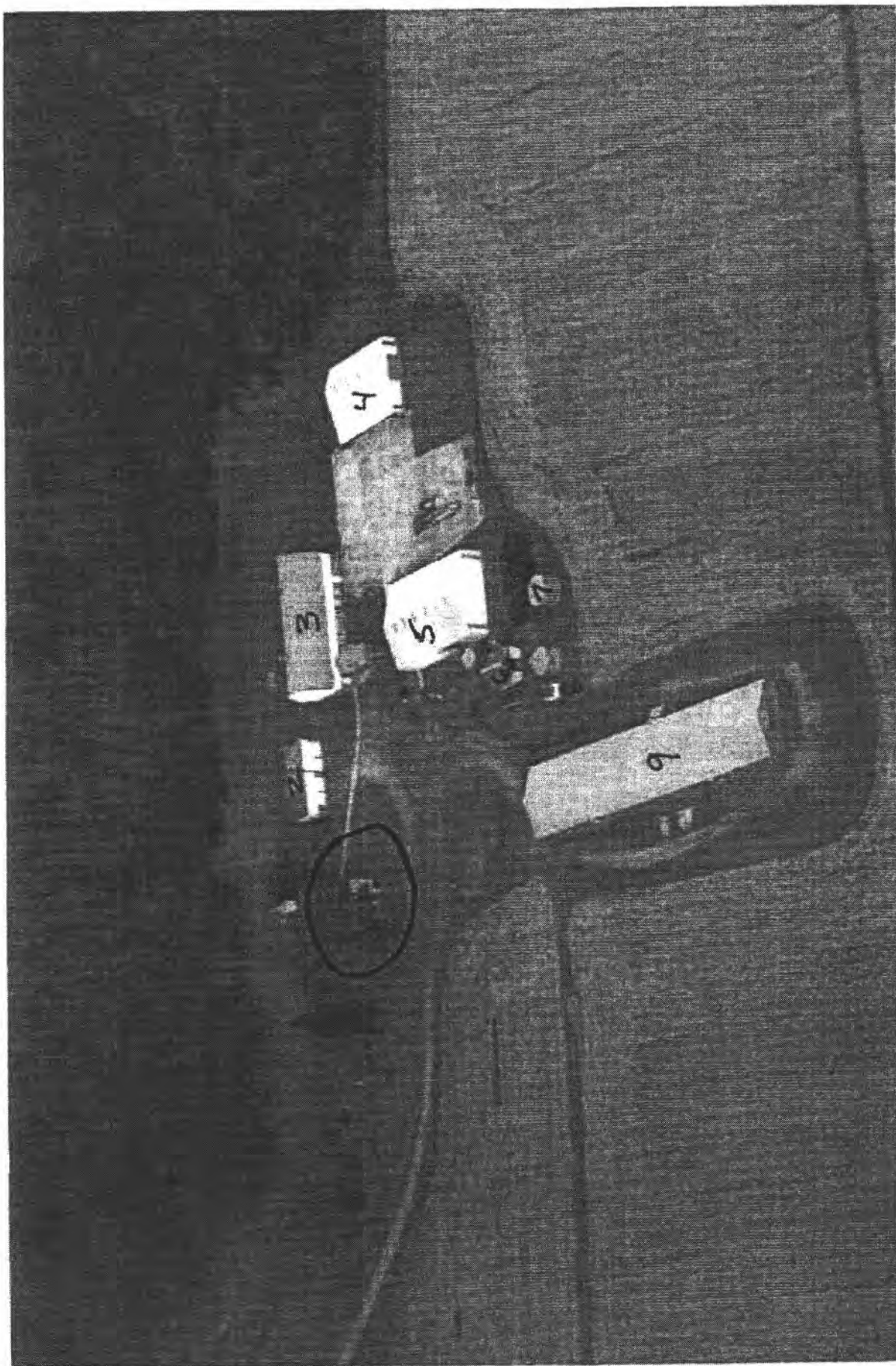
Subscribed and sworn to before me this

July 1, 2010



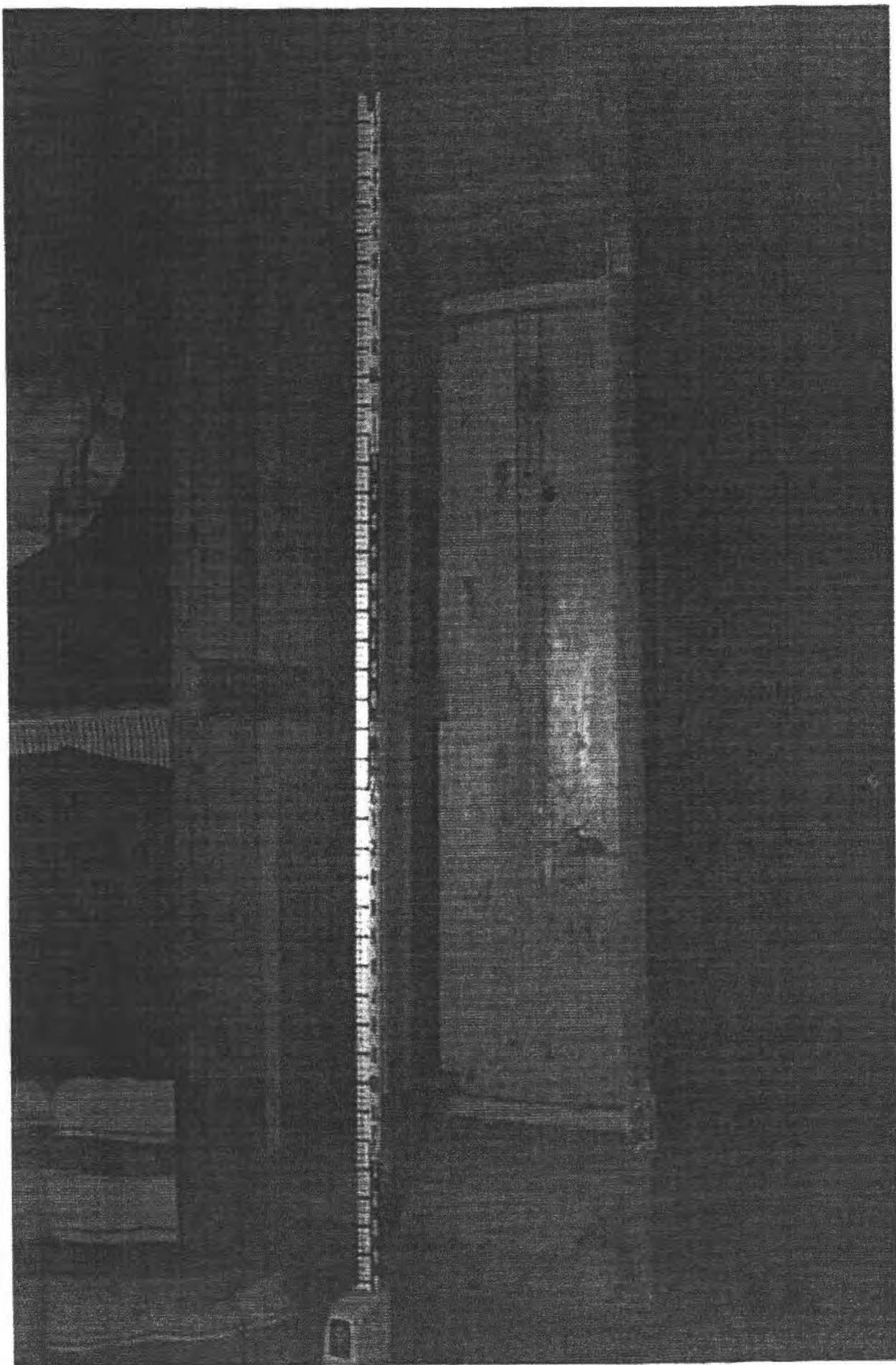
Judge of District Court

Appendix E



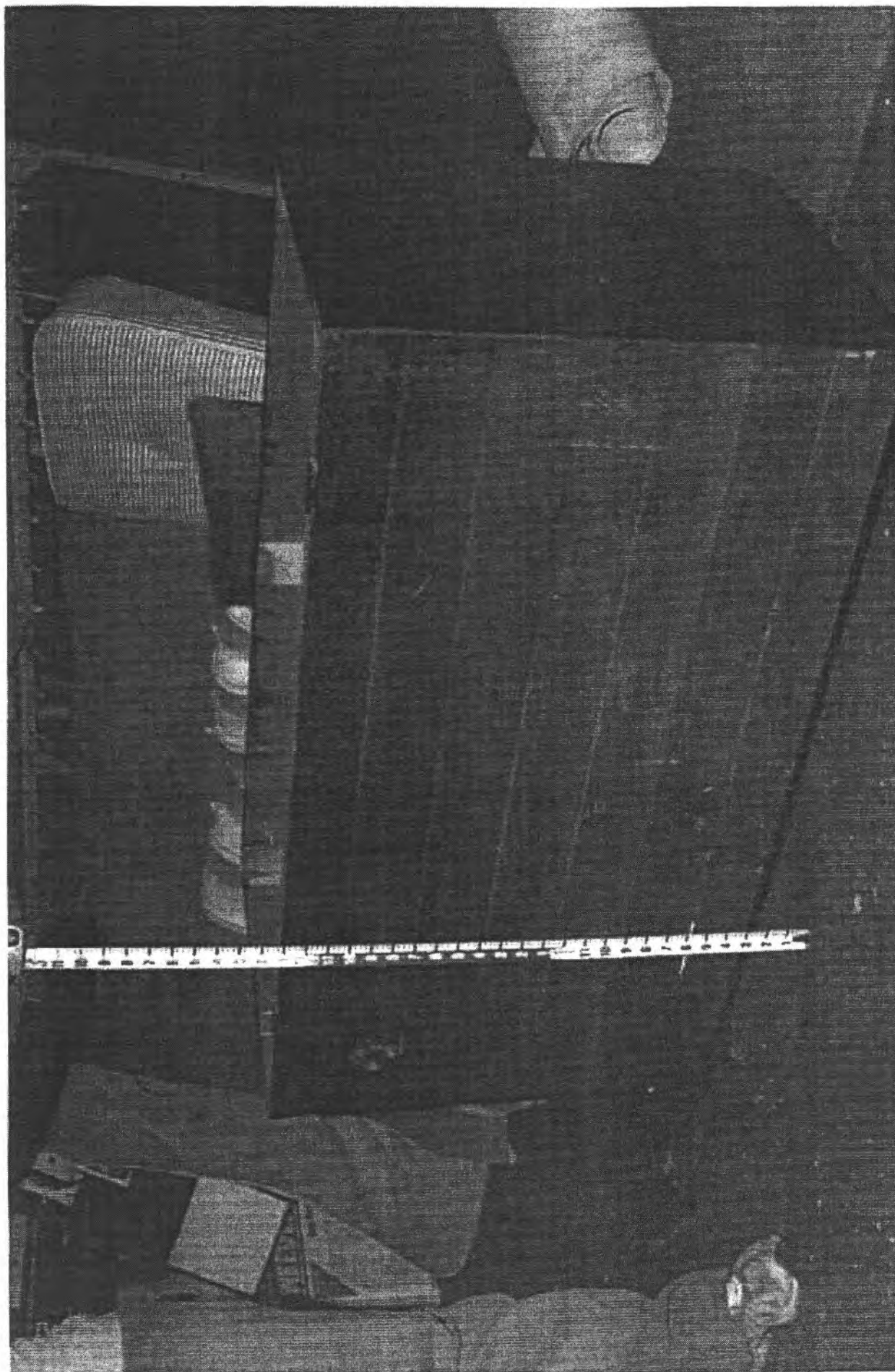
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Appendix F



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Appendix G



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STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth McDonald , received the attached search warrant issued by the Honorable Landwher , on July 1, 2010, and have executed it as follows:

Pursuant to said warrant, on July 1, 2010 , at ,0900 I searched the (premises)) described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Miscellaneous papers, notes

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016

I, Kenneth McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
_____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN AND/OR DEPUTY NATE WATSON, AND/OR DEPUTY STEVE MATHEWS AND/OR FBI SPECIAL AGENT SHANE BALL, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

The house located at 29748 - 91st Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rassiers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

located in the Township of St. Joseph, County of Stearns, State of Minnesota, for the following described property and things:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, AND/OR NATE WATSON, AND/OR STEVE MATHEWS, AND/OR SHANE BALL, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE

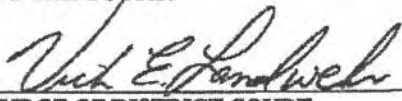
COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

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HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: July 1, 2010


JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

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STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

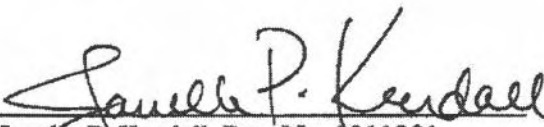
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Fourth Warrant

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2) for an Order that the attached Applications for Search Warrants and supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization. This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Investigator in charge of the investigation into the disappearance of Jacob Wetterling. If the attached Search Warrants and Search Warrant Applications and supporting Affidavits, the actual Search Warrants and the Receipts, Inventories, and Return Forms, are filed, release of the information contained therein could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches.

Dated: July 1, 2010


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
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705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

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STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Fourth Warrant

**AFFIDAVIT OF INVESTIGATOR
KEN MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned, Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation into the disappearance of Jacob Wetterling as summarized in the attached search warrants. Your affiant states that this investigation is ongoing, that no arrests have been made at the point of this Affidavit being completed, and that several avenues of investigation are being pursued. Your affiant further states that the release of the information contained within the Applications for Search Warrants and supporting Affidavits; Search Warrants and Receipts, Inventories, and Return Forms, could therefore cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Stearns)

Ken McDonald
Investigator Ken McDonald
Minnesota Bureau of Criminal Apprehension

Subscribed and sworn to before me this 15th

day of July, 2010, by Investigator Ken McDonald.

Vick E. Landwehr
Notary Public District Court Judge

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STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

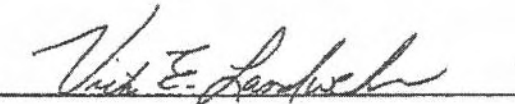
In Re: Disappearance of Jacob Wetterling
Fourth Warrant

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, and pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2), the Court finds reasonable grounds to believe that the filing of the Search Warrant Applications, the supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, IT IS ORDERED that the original and copies of the Search Warrant Applications, supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. IT IS FURTHER ORDERED that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any other time as directed by the Judge, that said documents shall be filed forthwith.

Dated: July 1, 2010



Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

STATE OF MINNESOTA)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

) SS.

COUNTY OF STEARNS)

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

22912 - 91st Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassier, excluding the home and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 23 years, the last 20 of which he has worked felony level investigations of

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crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, age 10, and a mutual friend, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away (see Appendixes A, B, C and D, attached hereto and hereby incorporated herein). The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with

the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms.

When [redacted] and [redacted] were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. [redacted] described hearing footsteps in the gravel driveway as they approached. [redacted] then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told [redacted] to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. [redacted] began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped [redacted] and he said his age, then [redacted] and then Jacob. He then told [redacted] to run in the woods or he would shoot. Next he looked at [redacted] face and told him the same. The boys did as they were told.

[redacted] and [redacted] then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

At the time of the abduction, Daniel Alfred Rassier, DOB: 10/25/55, was living with his parents, Robert and Rita Rassier at the residence at 29748 - 91st Avenue. However, at the time of the abduction, Robert and Rita Rassier were vacationing in Europe. Therefore, Daniel Rassier was the only individual at the residence at that time.

That night, October 22, 1989, Dan Rassier was interviewed by law enforcement. He described a vehicle, a large tan or yellow dirty car, turning around in his driveway earlier that day, between 11:30 a.m. and 4:00 p.m.. He said the vehicle left his residence at a high rate of speed.

Also that night, on October 22, 1989, Rassier said he saw another vehicle turn around at his residence between 9:00 and 10:00 p.m., describing it as a smaller dark blue vehicle, coming into his driveway, turning around, and leaving. He said the headlights were on and the driver may have had them on dim, and he thought the style was similar to a Chevette. He said he saw something on the driver's side, and thought it was a flashlight or a reflection from the yard light. When later interviewed in November 1989, Rassier claimed that he may have seen Jacob in the front seat of that car.

In October of 1989, Kevin Hamilton said he did report to authorities that he heard over his police radio scanner that a child had been abducted near the Rassier farm. He did get in his vehicle, described as a midsize silver car, and go to the Rassier farm, drive up the driveway, turn around and leave. Hamilton said that this was reported to a St. Joseph police officer, but the information apparently did not get into the investigative file at that time. Kevin Hamilton came forward a second time on October 21, 2003 and did provide law enforcement with his recollection of what he did that evening. It is believed that the Hamilton vehicle is the one described by Rassier as being in his driveway between 9 and 10 p.m. on October 22, 1989.

On October 24, 1989 at 1:00 p.m., Detective Boeckers of the Stearns County Sheriff's Department interviewed Daniel Rassier at the junior high school in Cold Spring, Minnesota. During that interview, Rassier indicated that he lives at the farm with his parents, Robert and Rita Rassier, who were currently away on vacation on an extended trip to Europe.

Rassier recalled that on the evening of the abduction, he had been home performing a typing project in the upper level of the residence. Rassier stated that between 9:00 and 9:30 p.m., the family dog began barking. At that time he observed a vehicle enter the driveway, turn around, and leave. Rassier indicated that the vehicle was driving at a faster than normal rate of speed and provided the above described blue vehicle description to Detective Boeckers. Rassier also advised that earlier in the day he had seen a larger vehicle turn around in his driveway.

Later on October 24, 1989, Detective Boeckers and FBI Agent Temper re-contacted Rassier for the purpose of obtaining photographs of Rassier's vehicle for comparison to the vehicle tracks in his driveway. Detective Boeckers' reports indicate that Agent Temper also interviewed Rassier again regarding his activity during the day of October 22, 1989.

On October 28, 1989, at 10:40 a.m., Detective Boeckers re-interviewed Daniel Rassier at his residence. Detective Boecker reports that upon arriving at the residence, Daniel Rassier displayed various shoes that he had worn on October 22, 1989. It was the officer's opinion that none of the shoe patterns were consistent with the shoe impressions found on the driveway near where the child had been abducted.

Upon questioning, Rassier provided Detective Boeckers with a more complete description of his activities on October 22, 1989. Rassier described many activities within the St. Cloud area, then returning to his residence at approximately 6:00 p.m. Once again, he described the typing project for school. The interview and overall investigation shows that Rassier likes to be organized. He reported that between 9:00 and 10:00 p.m., he observed a vehicle enter his driveway and turn around. At approximately 10:45 p.m. Rassier said he went to bed. Shortly thereafter, he heard his dog named Smokey begin barking. Rassier got up, and observed a flashlight in the southwest direction from his house near a woodpile. Rassier indicated that shortly thereafter he called 9-1-1, at which time he was informed by the dispatchers that members of the sheriff's office were present at his residence. Rassier stated that at that point he left his residence and spoke with officers at the scene for a short period of time. It is confirmed through police reports that Rassier did call 9-1-1 and speak with responding law enforcement officers that night. Rassier said that he then returned home and checked a number of outbuildings

on the property, including a shed, a tree house, the hay barn, a shop, and the milk house. Rassier said that at about 2:00 a.m. he returned to his residence and went to bed. Rassier did not contact any other individuals in regard to learning of the abduction.

Rassier indicated that at 6:45 a.m. on October 23, 1989, he woke up, went to the milk house to feed the cats and let the horses out. At 7:30 a.m. Rassier left the residence and spoke briefly with a deputy sheriff at the scene while leaving, arriving at school at 7:55 a.m. and returning home from work at 4:10 p.m.

On October 28, 1989, at 1:10 p.m., officers asked for consent to search the Rassier residence. They obtained permission from Robert Rassier and Dan Rassier to search their house. Investigators searched the Rassier home, terminating the search at 2:15 p.m. During the search, nothing was seized from the Rassier residence.

On October 28, 1989, FBI agents interviewed Dena Boettcher. Boettcher indicated that she was a teacher at Cold Spring (ROCORI) High School and was acquainted with Dan Rassier, also a teacher at the school. She indicated that she had gone on one or two dates with Rassier. She recalled one date going to a Twins game with other couples. She said Rassier did not want to interact with the other couples. On another occasion, they went to a drive-in movie and then had a long conversation at her residence. At one point she asked Rassier if he had ever had sex. Rassier advised her that at the time he believed he had a double personality and that his other self had had sex.

On November 11, 1989, Detective Whippler from the Benton County Sheriff's Office contacted Daniel Rassier and re-interviewed him with FBI Special Agent Al Garber. The interview was in regard to Rassier making comments at school about the Wetterling case. The comments were determined by the officers to be inconsequential. Rassier also provided investigators with two of his best friends' names, both of whom were male. Rassier further indicated that he had no female friends that he socialized with and overall had very little social life.

On November 27, 1989, Dr. John Rhetts, a licensed consulting psychologist, conducted a hypnotic interview with Daniel Rassier. The purpose of the interview was to enhance Rassier's recollection of the two vehicles he observed turning around on his property on October 22, 1989. This interview was a volunteer hypnotic interview and was videotaped.

In January of 2004, your affiant and Captain Pam Jensen of the Stearns County Sheriff's Department reviewed the video tape of the hypnotic interview Rassier provided on November 27, 1989. Your affiant and Captain Jensen also listened to the 9-1-1 tape in which describes the events that occurred. Your affiant and Captain Jensen also reviewed the information in regard to Kevin Hamilton, the driver who had turned around in the Rassier driveway on October 22, 1989, who had come forward the second time, and who was subsequently eliminated as a suspect in the child abduction investigation.

On February 7, 2004 at 2:00 p.m., your affiant and Captain Jensen interviewed Daniel Rassier in regard to the current Hamilton vehicle information. Daniel Rassier voluntarily came to the Stearns County Sheriff's Department for this purpose. Your affiant and Captain Jensen reviewed

the hypnotic interview with Rassier to refresh his memory, pointing out the primary objective of the hypnotic interview at the time was to see if more detailed information could be obtained about the vehicles that turned around in his driveway. However, upon having the vehicle in question investigated and eliminated as being suspect, your affiant and Captain Jensen reviewed the hypnotic interview with Rassier from that perspective, with the vehicle being eliminated. From this perspective, there were comments and reactions Rassier made throughout the hypnotic interview that raised new questions as to Rassier being the suspect/abductor. Your affiant and Captain Jensen told Rassier that they wished to discuss some of these observations with Rassier, including Rassier listing details of his activities throughout the day into the evening hours of October 22, 1989, stating examples of typing out cards, and getting ready for class the following Monday morning. The hypnotic interview showed that Rassier is very detail oriented, and in the interview, Rassier gave extensive details regarding this planning, quoting "I enjoy getting everything perfect... so I feel good about it." However, during the part of the hypnotic interview covering the time frame in which Jacob was abducted, Rassier said he lost track of time. Once the abduction time frame was over, he became more detailed in his recollection of what occurred that evening.

Also during the hypnotic interview from November 27, 1989, Rassier described how he knew a car was coming up the driveway because his dog Smokey began barking. Rassier described looking out the upstairs window, watching the vehicle coming into view. At this point in the hypnotic interview, Rassier began crying. Rassier said he ran from room to room to watch the vehicle. Rassier was very upset and notably shaking when he was discussing this. Rassier stated that if a perpetrator wanted Jacob he would have gotten him eventually. Rassier described that as the vehicle went up the driveway and turned around, that the driver might be an abductor. Rassier also said in this hypnotic interview that he may have seen Jacob with a flashlight as the car went by. When the car left, Rassier said that Smokey quit barking, and Rassier went to bed.

Further on in the hypnotic interview, Rassier recalled hearing Smokey bark again. He jumped up, looked out his window and saw spotlights down by the wood pile. Rassier commented that he was very nervous and could not get dressed and that he was very scared and in big trouble. Rassier also stated that he turned the lights off. In this hypnotic interview, Rassier seemed overly concerned about a vehicle coming in the driveway.

Continuing in the hypnotic interview, Rassier said that he called 9-1-1 and spoke with a dispatcher and learned that a boy had been abducted. He said that Smokey kept barking at the lights and he could not sleep. He was wondering why law enforcement were not looking in the out buildings. Rassier said he eventually went out and spoke with law enforcement and at that time Rassier said he went back and looked in the tree house.

Moving then to the interview in February 2004 in which your affiant and Captain Jensen discussed the contents of the videotaped hypnotic interview from 1989 with Rassier, Rassier commented that the dog Smokey would bark at any activity that occurred at the end of the driveway. Smokey would not bark if he was familiar with the person. Your affiant and Captain Jensen pointed out that Rassier said he had watched the vehicle come from the end of the driveway, turn around and leave, and that Smokey was barking at that time, so why wouldn't

Smokey be barking during the time in which Jacob was being abducted? Rassier would not provide a definitive answer.

During the hypnotic interview, Rassier was asked if he knew Jacob Wetterling. Rassier indicated no and then began crying, stating he didn't think he would do this. During the hypnotic interview, Rassier's emotions were stable during the questioning about the vehicle or as he recalled the events throughout the day, however during the period in which the questions turned to Jacob's abduction, he began crying and shaking, then would recover and stop crying when questions were not related to the actual abduction. When he was asked about Jacob Wetterling again, he would again start crying.

Your affiant and Captain Jensen explained to Rassier that the boys' trip to the convenience store was not on a regular basis. Very few people knew that they were going there on the evening of October 22, 1989. It was pointed out that said that when they rode by the Rassiers' driveway on the way to the video store, they heard some rustling in the weeds, and it startled all the boys and they rode their bikes and scooter faster. On the way back from the convenience store they were carrying a flashlight. As they approached the Rassier driveway, said his first sense of the abductor was that he heard someone walking down the Rassier driveway on the gravel. The abductor appeared from that area and stopped them. looked up the driveway and saw no vehicle and did not mention any barking dog at the time. The commands from the abductor were very precise.

It was therefore pointed out to Rassier that it was the investigators' opinion that the abductor came from the Rassier farm and no vehicle was used. It was also pointed out to Rassier that it was the investigators' opinion that whoever abducted Jacob Wetterling had to have been from the area and that no vehicles came up the road from behind the boys as they were returning from the store. It was also pointed out that in reviewing the 9-1-1 tape, dispatchers may have inadvertently been somewhat leading with the boys, citing, for example, that the abductor had a raspy voice or questioning if in fact he had a gun. Upon pointing out some of these facts, your affiant and Captain Jensen accused Rassier of taking Jacob Wetterling. Rassier did not have much of a reaction to that. However, he continuously went back to the fact that it must have been the person that turned around in the driveway. Beyond that, during the 2004 interview, Rassier never directly addressed the accusation. When confronted, Rassier would repeatedly respond by indicating that it must have been the vehicle that turned around earlier in the afternoon. Rassier refused to allow your affiant or Captain Jensen to eliminate the vehicles as an option in the abduction.

Rassier did admit to your affiant and Captain Jensen that if he did take Jacob he would have plenty of time and locations to dispose of him on his farm. He said he felt law enforcement made mistakes by not searching his place until approximately four or five days after the abduction. It is your affiant's and Captain Jensen's opinion that Rassier seemed to be enjoying this part of the conversation, smirking at times, also noting that investigators had one problem, they had no physical evidence.

It was also pointed out to Rassier that if a child was abducted from the end of a person's driveway and law enforcement was present, why would he not contact any friends or relatives and eventually tell them about this traumatic event. Rassier made no comment about this.

On February 12, 2004, at 9:00 a.m., your affiant along with Investigator Troy Jansky went to the Rassier farm and spoke with Rita and Robert Rassier. Your affiant and Detective Jansky explained to Robert and Rita Rassier that they felt their son Dan was a suspect in the abduction of Jacob Wetterling. The Rassiers did not show much emotion after being presented this information. Robert Rassier did indicate that his son had told him that law enforcement no longer believed the vehicle that turned around in the driveway was the abductor. Robert stated that his son did make a comment that "Dad even if I did do it I had all kinds of time to get away with it" and that Dan was upset and voiced frustration with the sloppy police work that was conducted.

Your affiant and Detective Jansky inquired if Dan Rassier used a computer within the home. Rita Rassier indicated that there was a computer they shared that was kept in the basement that did have internet access. Your affiant and Detective Jansky obtained permission to search the computer to determine what had been viewed on the internet. While searching the computer, your affiant did not find any type of inappropriate material on the computer. However, during the time of this review of the computer, Rita Rassier voluntarily began making comments that if her son Dan did take Jacob Wetterling, she would provide theories on how he would do this.

Your affiant along with other law enforcement visually watched Daniel Rassier from October 15 through October 19, 2007 to obtain a better understanding of his daily activities. In summary, Rassier would leave his residence early in the morning and go to the school at Rocori where he is employed as a teacher. He'd often stay there until seven or eight at night and return home. Occasionally, on Tuesday or Wednesday nights he went to the Saint Benedict Center to play his musical instrument along with a small group of other musicians, or went to the Midwest Athletic Club in St. Cloud to exercise. No other friends or associates were noted during this timeframe.

On November 7, 2007, your affiant applied for a mail cover through the U.S. Postal Service for Dan Rassier and the address of 29748 - 91st Avenue, St. Joseph, noting that the mailing address has changed since the time of the abduction. Your affiant did receive copies of mail during the timeframe of December 11, 2007 through January 9, 2008. Your affiant reviewed the mail which Dan Rassier was receiving. Even though this time period was during the holidays, Rassier received only one piece of mail that may have been a Christmas card and did not receive any other inappropriate mail during the timeframe.

In October of 2009, your affiant along with Captain Jensen communicated with Patty and Jerry Wetterling in regard to having Patty Wetterling wear a recording device and meet with Dan Rassier. It was decided that the meeting would be under the pretense that Patty would accidentally run into Dan and have a conversation with him.

On October 20, 2009, Patty Wetterling, wearing a body recording device and being monitored by law enforcement, met with Dan Rassier as he was coming out of a health club in St. Cloud.

During the conversation, Rassier told Patty Wetterling about the car turning around in his driveway and that he felt he saw Jacob looking out the window of the car.

Patty asked Rassier if he knew what happened to Jacob. Rassier responded no, no one knows for sure, I do know that the driver of the car was the person who did it. During the conversation Patty Wetterling asked where Jacob could be. Rassier said that he has this fear in the back of his mind, and that the police have made him feel so guilty, to the extent that if other people were aware of that they could go on his property and bury Jacob, then commenting that "he would be dead," making reference to being in trouble with law enforcement. Patty Wetterling commented that nobody could come on your property and bury him without you knowing. Rassier responded by indicating they could do it easy, further commenting that they could park their car somewhere and just walk through the woods and bury him.

Rassier mentioned that law enforcement did dig around in a gravel pit on their property looking for Wetterling, indicating they only messed it up, and if someone would have buried a body back there they would never have found it the way they did it.

Patty questioned Rassier saying "well you dig around there a lot, did you ever find a body?" Rassier responded "I found a dog because I dug it up because I actually thought it was Jacob", stating this was located in a known sunken part of the property. Patty Wetterling then questioned why he was digging in the gravel. Rassier responded that he recycles cans and that was his favorite area, as they used to throw metal in that area.

During the conversation, Patty Wetterling made a comment that whoever did it has had a life of hell. Rassier commented, "I think the person that did it is probably dead."

Patty informed Rassier that the person came from his driveway and that he was carrying a gun. Rassier questioned whether the boys really did see a gun. Wetterling also described having a flashlight. Rassier questioned having had a flashlight, and asked if the abductor told him to turn off the flashlight. Rassier also questioned whether it was possible the guy did not have a mask on, and whether the abductor had a hat on. Rassier also questioned Wetterling whether or not the boys recognized the abductor's voice.

On March 19, 2010 Patty and Jerry Wetterling went to the Rassier farm to speak with Robert and Rita Rassier. As part of the conversation Patty mentioned that she had spoken with Dan in October. The parents indicated that Dan made no mention of this conversation.

Based on your affiant's training and experience, and based upon this summary of facts known through this entire investigation dating back to 1989, your affiant has reason to believe and does believe that the remains and/or clothing of Jacob Wetterling and other items described will be found on the described property, and thus requests this warrant to search the above described property for these described items.

In summary, the victims describe hearing something in the weeds as they passed the abduction site heading towards town. The abduction occurred at the end of the Rassier driveway, the property your affiant seeks permission to search. The suspect, Daniel Rassier was home alone at

the time of the crime. The other victims describe seeing no vehicles, not hearing a dog barking, and noted that the abductor came from the driveway of the Rassier farm. The abductor appeared to be detail orientated and Rassier has the same traits. Rassier has stated that he has a double personality. Shortly after the abduction, in the context of the hypnotic interview, Rassier commented he was very scared and in big trouble. Also during the hypnotic interview, Rassier was very detailed in describing his day on October 22, 1989, until the time of the abduction. Rassier has admitted there are plenty of places on the farm to dispose of a body. He also has expressed concerns that Jacob Wetterling may be buried on the farm which is the described property in this application.

Your affiant along with others under his direction and control seek permission to search the land and outbuildings described, beginning with less invasive methods of searching but continuing, if necessary, using all resources available to locate the subject items of the search.

Your affiant also states that per the boys' original reports on the night of the abduction, ordering each one, in order, to state his age, while the boys lay in the ditch as directed.

Your affiant also notes that Dan Rassier is an avid runner, including running marathons throughout the United States. Rassier stated in a news article that he runs to suppress pain. Your affiant believes that this pain may be associated with the events described herein.

Your affiant also notes that the age of the children at the time of the abduction is the age that Rassier teaches at his job as a school teacher, that Rassier has no known dating history beyond that described herein, and that he has been further investigated by Interpol regarding comments he made on a train while traveling in Europe.

Finally, your affiant notes that once the vehicle turning around in the driveway was eliminated from suspicion by investigation, the facts regarding the abduction occurring at the end of Rassier's driveway, with no vehicle involved, no barking dog, and the subsequent events described, give good reason to believe that the described items will be found at the described location.

Upon further investigation in preparation for the search described above, it has been determined that a portion of the land, a wooded area just beyond the Robert and Rita Rassier farmstead, was deeded to their son, Anthony Rassier, on 11-20-96. Due to the proximity of this land to the area to be searched (See Aerial Photo A, attached hereto and hereby incorporated herein), and due to the fact that Robert and Rita Rassier did own this property and did, with their son Dan Rassier, have full access to it from 1989 until the deeding, and due to the close proximity to their home and the cover of trees making it possible to hide the subject of the search in this area, concluding with your affiant's opinion that it is reasonable to believe that due to the proximity and family relationships that Dan Rassier continues to have full access to this described property, further judicial authorization is sought to also search this following described area, including only the land, and not the house and curtilage contained thereon.

This property is fully described as 22912 - 91st Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassier, excluding the home and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The outbuildings shown and numbered on the aerial photograph attached hereto and incorporated herein as Appendix A, including: 1) small shed 2) detached garage 3) barn 4) shed 5) shed 6) shed 7) grain bin 8) small shed 9) large shed

AND the land at the address of 29748 - 91st Avenue, described as

Parcel ID 31.20826.0000. Sec/Twp/Rng 14-124-029. Description: The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ -s of NE $\frac{1}{4}$); that part of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$.. of NE $\frac{1}{4}$) described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter (SWYt of NE $\frac{1}{4}$..) thence running South 80 rods, thence running West 48 rods, thence running in a Northeasterly direction to a point 32 rods West of the Northeast corner of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$.. of NE $\frac{1}{4}$ 4); thence running East 32 rods to the place of beginning; also the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$.. of NW $\frac{1}{4}$) and the South 50 acres of West Half of the Northwest Quarter (WYz of NW $\frac{1}{4}$) and the West Half of the Southeast Quarter of the Northeast Quarter (WYz of SE $\frac{1}{4}$ of NE $\frac{1}{4}$), all of Section Fourteen (14), in Township One Hundred Twenty-four (124), Range Twenty-nine (29). Less a one (1) acre tract in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$.. of NW $\frac{1}{4}$..) of Section 14, Township 124, Range 29, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$.. of NW $\frac{1}{4}$); thence North along the East line of said Northwest Quarter of the Northwest Quarter (NWYt of NW $\frac{1}{4}$..) and along the centerline of the Town Road, 208 feet; thence West at right angles 208 feet, thence South at right angles 208 feet; thence East at right angles 208 feet to the point of beginning and there terminating. Also, less and except: The West 715 feet of the North 610 feet of the NE $\frac{1}{4}$.. of NW $\frac{1}{4}$ of Section 14, Township 124, Range 29.

and further described by the aerial photos and diagrams attached hereto and incorporated herein, labeled Appendixes A, B, C and D, all located in the Township of St. Joseph, County of Stearns, State of Minnesota.

And now further authorization is sought to search for those same items at the following described location:

Property described as 22912 - 91st Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassier, excluding the home

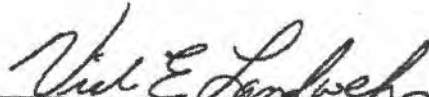
and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, and/or Deputy Nate Watson, and/or Deputy Steve Mathews, and/or FBI Special Agent Shane Ball, and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.


Affiant

Subscribed and sworn to before me this

29th day of June, 2010


Judge of District Court



Aerial Photo A

7/184



Aerial Photo A

SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN AND/OR DEPUTY NATE WATSON, AND/OR DEPUTY STEVE MATHEWS AND/OR FBI SPECIAL AGENT SHANE BALL, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

Property is fully described as 22912 - 91st Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassler, excluding the home and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

located in the Township of St. Joseph, County of Stearns, State of Minnesota, for the following described property and things:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

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NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, AND/OR NATE WATSON, AND/OR STEVE MATHEWS, AND/ OR SHANE BALL, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: June 29, 2010


JUDGE OF DISTRICT COURT

STATE OF MINNESOTA, COUNTY OF Stearns District COURT

RECEIPT, INVENTORY AND RETURN

I, Kenneth McDaniel, received the attached search warrant issued by the Honorable Vicki Landwehr, on 7-1, 20 10 and have executed it as follows:

Pursuant to said warrant, on 7-1-10, 20 10 at 2:30 o'clock pm., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) Tony Riosier

Nothing Taken

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
- None of the items set forth in the search warrant were found.
- I shall (retain) or (deliver) custody of said property as directed by Court order.

_____, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated herein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this

____ day of _____, 20 ____

Notary Public _____ County, Minn.

My Commission expires _____

Signature

STATE OF MINNESOTA
COUNTY OF STEARNS

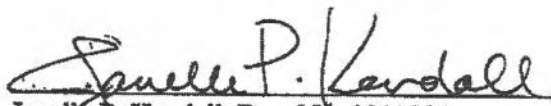
IN DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Third Warrant

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2) for an Order that the attached Applications for Search Warrants and supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization. This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Investigator in charge of the investigation into the disappearance of Jacob Wetterling. If the attached Search Warrants and Search Warrant Applications and supporting Affidavits, the actual Search Warrants and the Receipts, Inventories, and Return Forms, are filed, release of the information contained therein could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches.

Dated: June 29, 2010


Janelle R. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling
Third Warrant

**AFFIDAVIT OF INVESTIGATOR
KEN MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned, Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation into the disappearance of Jacob Wetterling as summarized in the attached search warrants. Your affiant states that this investigation is ongoing, that no arrests have been made at the point of this Affidavit being completed, and that several avenues of investigation are being pursued. Your affiant further states that the release of the information contained within the Applications for Search Warrants and supporting Affidavits; Search Warrants and Receipts, Inventories, and Return Forms, could therefore cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Stearns)

Ken McDonald
Investigator Ken McDonald
Minnesota Bureau of Criminal Apprehension

Subscribed and sworn to before me this 29th

day of June, 2010, by Investigator Ken McDonald.

Vick E. Landwehr
Notary Public District Court Judge

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

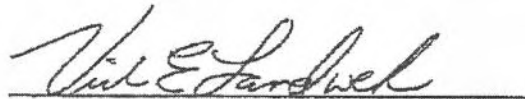
In Re: Disappearance of Jacob Wetterling
Third Warrant

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, and pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2), the Court finds reasonable grounds to believe that the filing of the Search Warrant Applications, the supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, IT IS ORDERED that the original and copies of the Search Warrant Applications, supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. IT IS FURTHER ORDERED that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any other time as directed by the Judge, that said documents shall be filed forthwith.

Dated: June 29, 2010



Judge of District Court

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

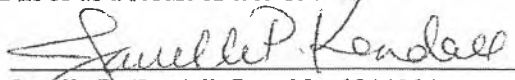
In Re: Disappearance of Jacob Wetterling.

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt, Inventory, and Return Form, the attached Affidavit of Special Agent Ken McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Ken McDonald, Minnesota Bureau of Criminal Apprehension, an investigator involved in the investigation of activities involving the disappearance of Jacob Wetterling as referenced in the attached Search Warrant. Said documents contain information which, if filed, could cause a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and could severely hamper this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said search.

Dated: August 28, 2014


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

u/142

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling.

**AFFIDAVIT OF SPECIAL
AGENT KEN MCDONALD**

State of Minnesota)
)ss.
County of Carlton)

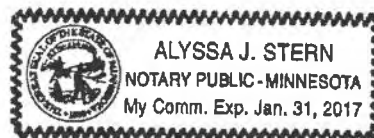
The undersigned Special Agent Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation of the disappearance of Jacob Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing, that no arrests have been made, and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt, Inventory, and Return Form, this Affidavit of Ken McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Carlton)

514 KPM
Special Agent Ken McDonald
MN Bureau of Criminal Apprehension

Subscribed and sworn to before me this 28th
day of August, 2014, by Special Agent Ken McDonald.

Alyssa J. Stern
Notary Public



u/143

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

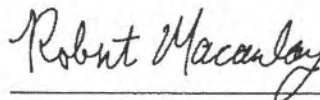
In Re: Disappearance of Jacob Wetterling.

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering the ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said searches, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: _____

 Macaulay, Robert
Aug 28 2014 1:15 PM

Judge of District Court

u/144

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

STATE OF MINNESOTA)
) SS.
COUNTY OF CARLTON)

**APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT**

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.
3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

Are at the premises described as:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, County of Carlton, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 27 years, the last 24 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

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L/194

The initial police investigation revealed that Jacob Wetterling, age 11, 1 age 10, and a mutual friend, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away. The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms. None of the described clothing has ever been found. Through your affiant's education and experience, he believes some perpetrators like to keep such items as souvenirs.

When [redacted] and [redacted] were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. [redacted] described hearing footsteps in the gravel driveway as they approached. [redacted] then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told [redacted] to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. [redacted] began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped [redacted] and he said his age, then [redacted] and then Jacob. He then told [redacted] to run in the woods or he would shoot. Next he looked at [redacted] face and told him the same. The boys did as they were told.

[redacted] and [redacted] then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

During the approximate timeframe of 1985 through 1988, there were numerous attempted abductions that included sexual groping of young boys in the Paynesville, Minnesota area. Duane Allen Hart DOB/07/30/47 lived in the Paynesville area during this timeframe. He also lived near New London, Minnesota in 1989. Both locations have close proximity to St. Joseph Minnesota. When the juveniles were approached the perpetrator did similar actions that were done when Jacob Wetterling was taken and the attempted abductions. For example, giving commands to get on the ground and to run and not look back.

Other criminal investigations in Stearns County and Kandiyohi County during the late 1980s subsequently resulted in charges and convictions of Duane Hart on six felony criminal sexual conduct violations involving juvenile males. He was charged with and convicted of two second-degree, two third degree, and two fourth degree criminal sexual conduct charges involving boys aged approximately 8 to 15. Hart was sent to prison in January 1990, and was committed as a sexual psychopathic personality in July 1995. He is presently is at the Minnesota sex offender program in City of Moose Lake, Carlton County, Minnesota. Since Hart's incarceration the attempted abductions and sexual assaults in the Paynesville area stopped.

During one of the sexual assaults and attempted kidnapping in Paynesville the perpetrator dropped a baseball cap. The baseball cap was kept as evidence, and in 2013 it was brought to the MN BCA laboratory for DNA analysis. A DNA profile was developed from the hat with a mixture of three or four more individuals. In December 2013, your affiant along with Capt. Pam

Jensen of the Stearns County Sheriff's office interviewed Duane Hart in which he denied any involvement in the crimes in Paynesville or the abduction of Jacob Wetterling. Hart voluntarily provided a known DNA sample to your affiant. In March 2014 the MN BCA lab reported that Duane Hart cannot be excluded from being a possible contributor.

In May 2014 WCCO news in the Minneapolis metro area did a feature story on the attempted abductions in Paynesville. In August 2014, your affiant along with Capt. Jensen re-interviewed Duane Hart and questioned him about the baseball cap. Once again Hart denied any involvement in the attempted abductions, the kidnapping of Jacob Wetterling nor did he have any knowledge of the baseball cap. Hart was aware of the recent news media and other media coverage, and he felt like he was suspect in the attempted abductions and the kidnapping of Jacob Wetterling.

Your affiant asked Hart what he did with all his personal belongings since he's been incarcerated. Hart told your affiant that he does not have any personal items that are kept outside of the Moose Lake facility.

In August 2014, your affiant spoke with investigator at the Moose Lake facility and made arrangements for a visit with Duane Hart. The investigator was aware this was the second interview with Hart regarding the disappearance of Jacob Wetterling. From the request of your affiant and in preparation for your affiant's appointment the investigator reviewed the files to see if Hart had had any visitors and or phone calls. The investigator listened to at least one of the phone calls and obtained information that Hart wanted someone to sell or get rid of the items in his storage locker. To obtain further information a court order would be needed.

Because of this information, your affiant seeks to listen to phone calls, determine if Hart communicated with anyone about the storage locker, changed his behavior at the facility, was the subject of any other investigations since this media and law enforcement attention, or may have talked further about involvement with these matters to treatment professionals at MSOP. Your affiant is requesting call records and visitor logs back to July 2013 to review his pattern of phone calls and visitors prior to being interviewed initially in December 2013 by law enforcement officials.

With Hart's sexual psychopathic personality, the fact that he residing in the area of the abduction, along with his convictions of similar crimes to that of the abduction of Jacob Wetterling and the attempted abductions of other young individuals in Paynesville, Minnesota in the late 1980s, Hart is a viable suspect for these crimes. Your affiant is requesting the described property to aid in determining Hart's possible involvement in these crimes.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.

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4/197

3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

Are at the premises described as:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, Carlton County, Minnesota.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pm Jensen, and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

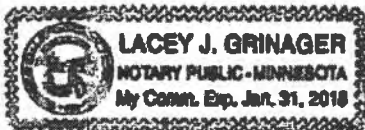
Jay G 8/22/14

Subscribed and sworn to before me this

22nd day of August 2014

Sgt Ken McDonald
Affiant

Judge of District Court



SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, County of Carlton, State of Minnesota, for the following described property and things:

All described property pertains to inmate/client Doree Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.
3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:


JUDGE OF DISTRICT COURT

Dated: August 22, 2014

COPIES TO: COURT • PROS. ATTY • PEACE OFFICER • PREMISES/PERSON

STATE OF MINNESOTA, COUNTY OF CARLTON DISTRICT COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth McDonald, received the attached search warrant issued by the Honorable Macaulay, on August 22, 2014, and have executed it as follows:

Pursuant to said warrant, on, at, I searched the (premises) described in said warrant, and left a true and correct copy of said warrant) (at) Moose Lake

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Records from Minnesota Sex Offender Program, Moose Lake, pertaining to Duane Hart

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
-
- I shall (retain) or (deliver) custody of said property as directed by Court order.

I, Kenneth McDonald, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/200

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF CARLTON

SIXTH JUDICIAL DISTRICT

COURT FILE NO. N/A

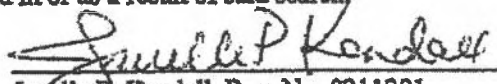
In Re: Disappearance of Jacob Wetterling.

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt, Inventory, and Return Form, the attached Affidavit of Special Agent Ken McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Ken McDonald, Minnesota Bureau of Criminal Apprehension, an investigator involved in the investigation of activities involving the disappearance of Jacob Wetterling as referenced in the attached Search Warrant. Said documents contain information which, if filed, could cause a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and could severely hamper this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said search.

Dated: August 28, 2014


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

4/201

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF CARLTON

SIXTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling.

**AFFIDAVIT OF SPECIAL
AGENT KEN MCDONALD**

State of Minnesota)
)ss.
County of Carlton)

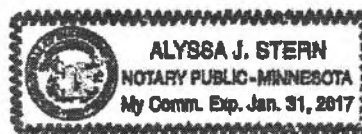
The undersigned Special Agent Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation of the disappearance of Jacob Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing, that no arrests have been made, and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt, Inventory, and Return Form, this Affidavit of Ken McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Carlton)

SA KPM
Special Agent Ken McDonald
MN Bureau of Criminal Apprehension

Subscribed and sworn to before me this 28th
day of August, 2014, by Special Agent Ken McDonald.

Alyssa J. Stern
Notary Public



4/202

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling.

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering the ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said searches, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: _____

Robert Macaulay Macaulay, Robert
Aug 28 2014 1:15 PM

Judge of District Court

4/203

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

STATE OF MINNESOTA)
) SS.
COUNTY OF CARLTON)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.
3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

Are at the premises described as:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, County of Carlton, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 27 years, the last 24 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

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u/217

The initial police investigation revealed that Jacob Wetterling, age 11, _____, age 10, and a mutual friend, _____, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and _____, were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away. The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told _____ and _____ to run into the woods.

_____ and _____ ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

_____ and _____ ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, _____ also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms. None of the described clothing has ever been found. Through your affiant's education and experience, he believes some perpetrators like to keep such items as souvenirs.

When [redacted] and [redacted] were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. [redacted] described hearing footsteps in the gravel driveway as they approached. [redacted] then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told [redacted] to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. [redacted] began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped [redacted] and he said his age, then [redacted], and then Jacob. He then told [redacted] to run in the woods or he would shoot. Next he looked at [redacted] s face and told him the same. The boys did as they were told.

[redacted] and [redacted] then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

During the approximate timeframe of 1985 through 1988, there were numerous attempted abductions that included sexual groping of young boys in the Paynesville, Minnesota area. Duane Allen Hart DOB/07/30/47 lived in the Paynesville area during this timeframe. He also lived near New London, Minnesota in 1989. Both locations have close proximity to St. Joseph Minnesota. When the juveniles were approached the perpetrator did similar actions that were done when Jacob Wetterling was taken and the attempted abductions. For example, giving commands to get on the ground and to run and not look back.

Other criminal investigations in Stearns County and Kandiyohi County during the late 1980s subsequently resulted in charges and convictions of Duane Hart on six felony criminal sexual conduct violations involving juvenile males. He was charged with and convicted of two second-degree, two third degree, and two fourth degree criminal sexual conduct charges involving boys aged approximately 8 to 15. Hart was sent to prison in January 1990, and was committed as a sexual psychopathic personality in July 1995. He is presently is at the Minnesota sex offender program in City of Moose Lake, Carlton County, Minnesota. Since Hart's incarceration the attempted abductions and sexual assaults in the Paynesville area stopped.

During one of the sexual assaults and attempted kidnapping in Paynesville the perpetrator dropped a baseball cap. The baseball cap was kept as evidence, and in 2013 it was brought to the MN BCA laboratory for DNA analysis. A DNA profile was developed from the hat with a mixture of three or four more individuals. In December 2013, your affiant along with Capt. Pam

Jensen of the Stearns County Sheriff's office interviewed Duane Hart in which he denied any involvement in the crimes in Paynesville or the abduction of Jacob Wetterling. Hart voluntarily provided a known DNA sample to your affiant. In March 2014 the MN BCA lab reported that Duane Hart cannot be excluded from being a possible contributor.

In May 2014 WCCO news in the Minneapolis metro area did a feature story on the attempted abductions in Paynesville. In August 2014, your affiant along with Capt. Jensen re-interviewed Duane Hart and questioned him about the baseball cap. Once again Hart denied any involvement in the attempted abductions, the kidnapping of Jacob Wetterling nor did he have any knowledge of the baseball cap. Hart was aware of the recent news media and other media coverage, and he felt like he was suspect in the attempted abductions and the kidnapping of Jacob Wetterling.

Your affiant asked Hart what he did with all his personal belongings since he's been incarcerated. Hart told your affiant that he does not have any personal items that are kept outside of the Moose Lake facility.

In August 2014, your affiant spoke with investigator at the Moose Lake facility and made arrangements for a visit with Duane Hart. The investigator was aware this was the second interview with Hart regarding the disappearance of Jacob Wetterling. From the request of your affiant and in preparation for your affiant's appointment the investigator reviewed the files to see if Hart had had any visitors and or phone calls. The investigator listened to at least one of the phone calls and obtained information that Hart wanted someone to sell or get rid of the items in his storage locker. To obtain further information a court order would be needed.

Because of this information, your affiant seeks to listen to phone calls, determine if Hart communicated with anyone about the storage locker, changed his behavior at the facility, was the subject of any other investigations since this media and law enforcement attention, or may have talked further about involvement with these matters to treatment professionals at MSOP. Your affiant is requesting call records and visitor logs back to July 2013 to review his pattern of phone calls and visitors prior to being interviewed initially in December 2013 by law enforcement officials.

With Hart's sexual psychopathic personality, the fact that he residing in the area of the abduction, along with his convictions of similar crimes to that of the abduction of Jacob Wetterling and the attempted abductions of other young individuals in Paynesville, Minnesota in the late 1980s, Hart is a viable suspect for these crimes. Your affiant is requesting the described property to aid in determining Hart's possible involvement in these crimes.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.

3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

Are at the premises described as:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

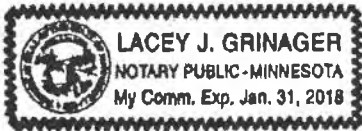
Located in the City of Moose Lake, Carlton County, Minnesota.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, , and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Jay Gr 8/22/14

Subscribed and sworn to before me this

22nd day of August 2014



Sgt Ken McDonald
Affiant
Robert Macaulay
Judge of District Court

SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, **KENNETH MCDONALD** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, County of Carlton, State of Minnesota, for the following described property and things:

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4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

WHEREAS, the application and supporting affidavit of **KENNETH MCDONALD** were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

JUDGE OF DISTRICT COURT

Dated: August 22, 2014

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

u/222

SEARCH WARRANT

STATE OF MINNESOTA
COUNTY OF CARLTON
DIVISION

DISTRICT COURT
CRIMINAL

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

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BY THE COURT:

JUDGE OF DISTRICT COURT

Dated: August 22, 2014

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

u/189

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

STATE OF MINNESOTA)
) SS.
COUNTY OF CARLTON)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

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The facts tending to establish the foregoing grounds for issuance of a search warrant as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 27 years, the last 24 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, age 10, and a mutual friend, , age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and , were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away. The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91st Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91st Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told and to run into the woods.

and ; ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91st Avenue or along the driveway of 29748 - 91st Avenue.

and ; ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms. None of the described clothing has ever been found. Through your affiant's education and experience, he believes some perpetrators like to keep such items as souvenirs.

When [redacted] and [redacted] were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91st Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91st Avenue.

Upon returning from the Tom Thumb store along 91st Avenue, they approached the Rassier farm at 29748 - 91st Avenue. [redacted] described hearing footsteps in the gravel driveway as they approached. [redacted] then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told [redacted] to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. [redacted] began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped [redacted] and he said his age, then [redacted], and then Jacob. He then told [redacted] to run in the woods or he would shoot. Next he looked at [redacted] face and told him the same. The boys did as they were told.

[redacted] and [redacted] then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91st Avenue.

During the approximate timeframe of 1985 through 1988, there were numerous attempted abductions that included sexual groping of young boys in the Paynesville, Minnesota area. Duane Allen Hart DOB/07/30/47 lived in the Paynesville area during this timeframe. He also lived near New London, Minnesota in 1989. Both locations have close proximity to St. Joseph Minnesota. When the juveniles were approached the perpetrator did similar actions that were done when Jacob Wetterling was taken and the attempted abductions. For example, giving commands to get on the ground and to run and not look back.

Other criminal investigations in Stearns County and Kandiyohi County during the late 1980s subsequently resulted in charges and convictions of Duane Hart on six felony criminal sexual conduct violations involving juvenile males. He was charged with and convicted of two second-degree, two third degree, and two fourth degree criminal sexual conduct charges involving boys aged approximately 8 to 15. Hart was sent to prison in January 1990, and was committed as a sexual psychopathic personality in July 1995. He is presently is at the Minnesota sex offender program in City of Moose Lake, Carlton County, Minnesota. Since Hart's incarceration the attempted abductions and sexual assaults in the Paynesville area stopped.

During one of the sexual assaults and attempted kidnapping in Paynesville the perpetrator dropped a baseball cap. The baseball cap was kept as evidence, and in 2013 it was brought to the MN BCA laboratory for DNA analysis. A DNA profile was developed from the hat with a mixture of three or four more individuals. In December 2013, your affiant along with Capt. Pam

Jensen of the Stearns County Sheriff's office interviewed Duane Hart in which he denied any involvement in the crimes in Paynesville or the abduction of Jacob Wetterling. Hart voluntarily provided a known DNA sample to your affiant. In March 2014 the MN BCA lab reported that Duane Hart cannot be excluded from being a possible contributor.

In May 2014 WCCO news in the Minneapolis metro area did a feature story on the attempted abductions in Paynesville. In August 2014, your affiant along with Capt. Jensen re-interviewed Duane Hart and questioned him about the baseball cap. Once again Hart denied any involvement in the attempted abductions, the kidnapping of Jacob Wetterling nor did he have any knowledge of the baseball cap. Hart was aware of the recent news media and other media coverage, and he felt like he was suspect in the attempted abductions and the kidnapping of Jacob Wetterling.

Your affiant asked Hart what he did with all his personal belongings since he's been incarcerated. Hart told your affiant that he does not have any personal items that are kept outside of the Moose Lake facility.

In August 2014, your affiant spoke with investigator at the Moose Lake facility and made arrangements for a visit with Duane Hart. The investigator was aware this was the second interview with Hart regarding the disappearance of Jacob Wetterling. From the request of your affiant and in preparation for your affiant's appointment the investigator reviewed the files to see if Hart had had any visitors and or phone calls. The investigator listened to at least one of the phone calls and obtained information that Hart wanted someone to sell or get rid of the items in his storage locker. To obtain further information a court order would be needed.

Because of this information, your affiant seeks to listen to phone calls, determine if Hart communicated with anyone about the storage locker, changed his behavior at the facility, was the subject of any other investigations since this media and law enforcement attention, or may have talked further about involvement with these matters to treatment professionals at MSOP. Your affiant is requesting call records and visitor logs back to July 2013 to review his pattern of phone calls and visitors prior to being interviewed initially in December 2013 by law enforcement officials.

With Hart's sexual psychopathic personality, the fact that he residing in the area of the abduction, along with his convictions of similar crimes to that of the abduction of Jacob Wetterling and the attempted abductions of other young individuals in Paynesville, Minnesota in the late 1980s, Hart is a viable suspect for these crimes. Your affiant is requesting the described property to aid in determining Hart's possible involvement in these crimes.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.

3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

Are at the premises described as:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, Carlton County, Minnesota.

WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, , and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

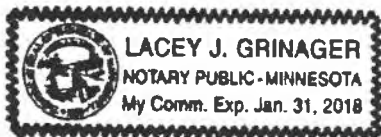
Jay Gr 8/22/14

Subscribed and sworn to before me this

22nd day of August 2014

S/A Ken McD
Affiant

Judge of District Court



SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARLTON
DIVISION

CRIMINAL

TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

Minnesota Sex Offender Program
1111 Highway 73
Moose Lake MN 55767

Located in the City of Moose Lake, County of Carlton, State of Minnesota, for the following described property and things:

All described property pertains to inmate/client Duane Allen Hart DOB/07/30/47.

1. Signed consent to record calls to/from Minnesota sex offender program (MSOP)
2. All unredacted calls and contents of calls by or to this inmate/client from July 2013 to the present.
3. All unredacted behavioral expectation reports.
4. All unredacted investigative reports
5. All unredacted treatment records which may reflect discussions about sexual assaults, kidnapping, and storage of personal items outside of the sex offender program facility.
6. All unredacted visitor logs for the period July 2013 to the present

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: August 22, 2014

JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

u/195

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

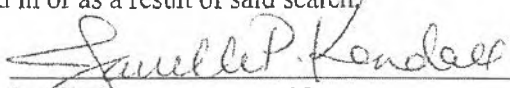
In Re: Disappearance of Jacob Wetterling.

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt, Inventory, and Return Form, the attached Affidavit of Special Agent Ken McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Ken McDonald, Minnesota Bureau of Criminal Apprehension, an investigator involved in the investigation of activities involving the disappearance of Jacob Wetterling as referenced in the attached Search Warrant. Said documents contain information which, if filed, could cause a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and could severely hamper this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said search.

Dated: August 28, 2014


Janelle P. Kendall, Reg. No. 0211291
Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

u/225

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling.

**AFFIDAVIT OF SPECIAL
AGENT KEN MCDONALD**

State of Minnesota)
)ss.
County of Carlton)

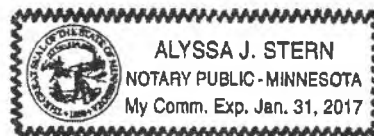
The undersigned Special Agent Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation of the disappearance of Jacob Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing, that no arrests have been made, and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt, Inventory, and Return Form, this Affidavit of Ken McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota)
)ss.
County of Carlton)

SA KPM
Special Agent Ken McDonald
MN Bureau of Criminal Apprehension

Subscribed and sworn to before me this 28th
day of August, 2014, by Special Agent Ken McDonald.

Alyssa J. Stern
Notary Public



u/226

STATE OF MINNESOTA
COUNTY OF CARLTON

IN DISTRICT COURT
SIXTH JUDICIAL DISTRICT
COURT FILE NO. N/A

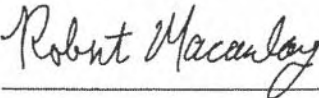
In Re: Disappearance of Jacob Wetterling.

ORDER

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering the ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt, Inventory, and Return Form, the Affidavit of Ken McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said searches, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: _____

 Macaulay, Robert
Aug 28 2014 1:15 PM

Judge of District Court

u/227

June 20, 2014 at 7:18 p.m.

UF: Unknown Female

DH: Duane Hart

DH: Hello

UF: Hello

DH: Hi, this is Duane.

UF: Yes

DH: I have been trying to get ahold of you and have also forgotten, on different Thursdays and I been getting ahold of Boots and telling him that he should remind me so tonight I called and

UF: Okay

DH: I would like to know if it would be possible to have a garage sale and sell whatever I have, rather than keeping it in storage

UF: Okay, umm, I am sure we could do something there for ya

DH: Alright, yeah any time, you know, it's any convenience to you whenever you want to do that, it would be alright with me

UF: Okay

DH: Umm, I do have some clothing there that I would like sent to me and any

UF: Okay

DH: And any personal papers or ID, identification or ID stuff, or anything like that

UF: Okay, so go through it, get your personal papers and clothing

DH: Yeah, otherwise the rest of

UF: Okay

DH: The rest of it can all be sold

UF: Okay, and everything else, okay

DH: Okay, I guess I will leave the rest of it up to you then and

UF: Alrighty

DH: And I'll, I suppose, whenever you want to have that you can get in touch with Boots and let me know what the results are and

UF: Alright

DH: And then we will settle up for whatever I owe you

UF: Alright, that sounds good

DH: Okay

UF: Okay, we will see what we can do here for ya

DH: Alright, thank you very much

UF: Alright, you bet Dewey, you have a good one now

DH: You too

UF: Alright, thank you, bye-bye

DH: Bye-bye

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF WRIGHT
TO: INV KERN, INV KOTSCHKEVAR, INV SORENSON, INV LEHMKUHL, (A) PEACE OFFICER(S) OF THE
TENTH DISTRICT COURT
STATE OF MINNESOTA.

WHEREAS, INV DENNIS KERN has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Motor Vehicle;

2013 white Chrysler 200 with Minnesota License plate, bearing
VIN 874PGM1C3CCBBB4DN765448, registered to Danny James Heinrich DOB 3/21/63 at 55 Myrtle
Ave S

located in the City of Wright, County of Stearns STATE OF MINNESOTA for the following described property and things:

Installation of a Mobile Tracking Device on the herein-described as a 2013 white Chrysler 200 with Minnesota License plate 874PGM for a period not to exceed (60) days or the period of time necessary to achieve the objective of the authorization, whichever is less, unless extended by order of the court.

Installation of the mobile tracking device(s) within the authorizing court's judicial district.

Permission of the court to monitor the tracking device(s) to obtain location and/or Global Positioning System (GPS) information regardless of the location of the motor vehicle.

Permission of the court to replace and/or provide maintenance to the mobile tracking device(s) in order to keep the device(s) in proper working order during the time period authorized by the court beginning from the date of first installation.

WHEREAS, the application and supporting affidavit of INV Dennis Kern was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. Evidence acquired from the installation and monitoring of the mobile tracking device on the property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

The Court further finds that probable cause exists to believe that a crime has been committed and that the installation, monitoring, replacement and/or maintenance of a mobile tracking device on the motor vehicle above-described will result in the discovery of evidence that tends to show a crime has been committed or that tends to show that a particular person has committed a crime or that the motor vehicle are in the possession of any person with the intent to use it as a means of committing a crime.

The court further finds that the entry to install, monitor, replace, and/or service the mobility tracking device without announcement of authority or purpose is necessary to prevent the loss, destruction, or removal of the objects of said search and to protect the safety of the peace officers.

NOW, THEREFORE, YOU INV KERN, INV KOTSCHKEVAR, INV SORENSON, INV LEHMKUHL THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY AUTHORIZED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED MOTOR VEHICLE, TO INSTALL IN THE NEXT TEN DAYS WITHIN THE AUTHORIZING COURT'S JUDICIAL DISTRICT AND TO MONITOR, REPLACE, AND/OR SERVICE THE MOBILE TRACING DEVICE DESCRIBED, REGARDLESS OF LOCATION, FOR A PERIOD NOT TO EXCEED (60) DAYS OR FOR THE PERIOD OF TIME NECESSARY TO ACHIEVE THE OBJECTIVE OF THE AUTHORIZATION, WHICHEVER IS LESS, UNLESS EXTENDED BY FURTHER ORDER OF THE COURT, BEGINNING FROM THE DATE OF FIRST INSTALLATION. YOUR ARE FURTHER ORDERED TO KEEP THE LOCATION AND/OR GLOBAL POSITIONING SYSTEM (GPS) INFORMATION IN CUSTODY UNTIL THE SAME BE DEALT WITH ACCORDING TO LAW SUBJECT TO COURT ORDER. THE COURT FURTHER ORDERS

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

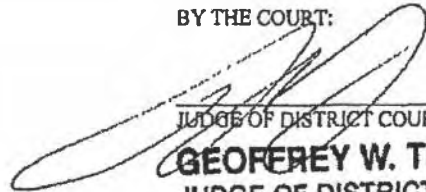
L/44F

Warrant 1-2

THAT THE COPY OF THE WARRANT AND RETURN REFERENCED IN MINN. STAT. § 626.16 NEED NOT BE LEFT UNTIL THE COMPLETION OF THE MONITORING AND REMOVAL OF THE MOBILE TRACKING DEVICE(S). THE COURT ALSO FURTHER ORDERS THAT THE FILING OF THE WARRANT AND RETURN WITH THE COURT REFERENCED IN MINN. STAT. § 626.17 NEED NOT BE ACCOMPLISHED UNTIL THE COMPLETION OF THE MONITORING AND REMOVAL OF THE MOBILE TRACKING DEVICE(S) OR UNTIL FURTHER ORDER OF THE COURT.

BY THE COURT:

Dated: 7-27-0


JUDGE OF DISTRICT COURT
GEOFFREY W. TENNEY
JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

L/449

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sherriff's Office Case No. 15058128

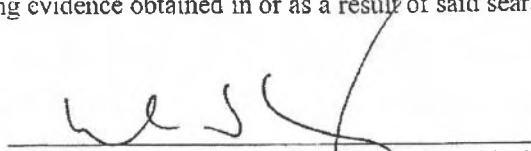
Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling.

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned assistant Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(c)&(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt Inventory, and Return Form, the attached Affidavit of Investigator Kenneth McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, an officer involved in the investigation of activities involving the disappearance and kidnapping of Jacob Erwin Wetterling as referenced in the attached Search Warrant. Said document contains information which, if filed, could cause this search or a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could severely hamper the ongoing investigation regarding the disappearance and kidnapping of Jacob Erwin Wetterling as summarized in the Search Warrant. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches or at any other time the court directs.

Dated:



Michael J. Lieberg, 0269141
Assistant Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

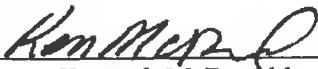
Stearns County Sheriff's Office Case No. 15058128

Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling

**AFFIDAVIT OF
INVESTIGATOR KENNETH
MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the police officers involved in the investigation into the disappearance of Jacob Erwin Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt Inventory, and Return Form, this Affidavit of Investigator Kenneth McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause this search or future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

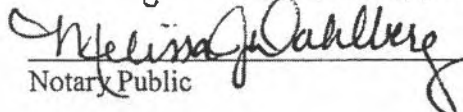

Investigator Kenneth McDonald
Minnesota Bureau of Criminal Apprehension

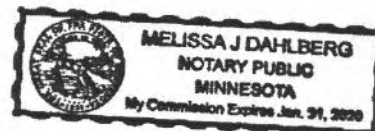
State of Minnesota)
)ss.

County of Stearns)

Subscribed and sworn to before me this 31st

day of August, 2016, by Kenneth McDonald


Notary Public



STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

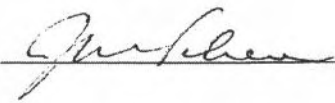
Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling

ORDER

Based upon the attached Motion submitted by Assistant Stearns County Attorney Michael J. Lieberg and the Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Investigator Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause this search or future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could create a substantial risk of severely hampering the ongoing investigation into the disappearance of Jacob Erwin Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: 8-31-16



Judge of District Court

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

STATE OF MINNESOTA)
) SS. APPLICATION FOR SEARCH WARRANT AND
COUNTY OF STEARNS SUPPORTING AFFIDAVIT.

Special Agent Kenneth McDonald, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, to install, monitor, and maintain a mobile tracking device, hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

Affiant seeks permission to search the premises described as:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in the PAYNESVILLE TOWNSHIP, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant, Special Agent Kenneth McDonald is presently an agent with the Minnesota Bureau of Criminal Apprehension. Agent McDonald has 26 years of felony level investigative experience. The last 19 years agent McDonald has been assigned to the homicide unit within Minnesota BCA. Agent McDonald has a Master's degree in criminal justice and is a Police Forensic Pathologist Specialist. During that time, Your Affiant has drafted and executed numerous search warrants. Those warrants have resulted in the collection of evidence and the recovery of property. They have also lead to successful prosecution of offenders. This affidavit is made in support of a warrant to search PAYNESVILLE TOWNSHIP, County of Stearns, State of Minnesota. Based on review of reports and personal knowledge, Your Affiant believes the following to be true.

The City of Paynesville, County of Stearns had several incidents from 1986 through 1988 where juvenile males where assaulted and/or sexually assaulted in various locations throughout the city. The juvenile males ranged in age from twelve to sixteen years old. All of the juvenile males listed below have been fully identified and their names are contained in police reports.

Incident number one occurred in August of 1986. A juvenile male was attacked in an alley behind Papa's Pizza at 108 West Hoffman St. A husky, white male who was approximately 5'9" with a mud like substance on his face jumped from the bushes, knocked the juvenile off of his bicycle, and struck the juvenile in the nose. The juvenile struck the unknown offender who then fled the area on foot. The suspect didn't say anything.

Incident number two occurred on August 21, 1986. Two juvenile males were leaving Papa's Pizza. A heavy set male who stood approximately 5'6"-5'8" and wore a long sleeve sweater and gloves, attacked one of the juveniles. The suspect hit the juvenile in the back of the head with his hand and knocked him to the ground. The suspect groped the juvenile male's front pockets. As the second juvenile male approached, the suspect fled the area on foot. The suspect didn't say anything.

Incident number three occurred on November 30th, 1986. A juvenile male was attacked in the vicinity of 603 Augusta Ave. A heavy set male, wearing a nylon windbreaker came out of the bushes in the alley. The suspect put his hand over the juvenile male's mouth and dragged him into some trees. The suspect told the juvenile not to speak or the juvenile would be killed. The suspect spoke in a "low, static filled" voice. There was also a strong odor of cigarette smoke on the suspects' hands. The suspect rubbed the juvenile male's testicles both over and under his clothing. The suspect removed the juvenile male's stocking hat and cut off some of his hair with a jagged edged knife. The suspect asked the juvenile male's name and age. Once the attack was over, the suspect told the juvenile to "keep laying down for five minutes or I'll blow your head off". The attacker kept possession of the juvenile male's brown and tan stocking cap and hair. The hat was trimmed with the letter "J" and the symbol for a heart repeated all the way around the hat.

Incident number four occurred on February 14th, 1987. The attack occurred in the stairwell of an apartment building at 122 West James St. A juvenile male was attacked by a heavy set male who was approximately 5'6" tall wearing a dark colored quilted jacket with mask covering his face. The juvenile had been at Papa's Pizza earlier in the evening. The suspect grabbed the juvenile and threw him down the steps. The juvenile began to scream. The suspect told the juvenile to keep quiet or he would kill the juvenile. The suspect groped the juvenile's penis and testicles both over and under his clothing. The suspect spoke in a deep low whisper. The suspect asked the juvenile what grade he was in. The suspect told the juvenile not to move or he would kill him. The suspect took the juvenile's wallet and left the area on foot.

Incident number five occurred on May 17th, 1987. It occurred on Main Street near Maple Street. The same juvenile male from incident number four was attacked again. The suspect was described as being about the same height as the suspect in the previous incident, pudgy, with a dark looking face, and dark colored clothing. The suspect grabbed the juvenile off of his bicycle. The suspect groped the juvenile's testicles. The juvenile screamed and told the suspect that he had already got him. The suspect fled the area on foot. The suspect left behind a baseball cap which was turned over to police. No statements were made by the suspect. The juvenile victim believed the suspect in this incident was the same person who previously attacked him.

Incident number six occurred on September 20th, 1987. Two juvenile males were approached near 111 Lyndall Ave. The suspect was described as a chubby male 5'7"-5'8", with short chubby legs. The suspect had either painted his face or wore a mask. The juvenile males saw the suspect approaching them, screamed, and ran. The suspect fled on foot without assaulting the juveniles or speaking to them. The juveniles had been at Papa's Pizza earlier in the night.

Incident number seven occurred in the late summer of 1988. It occurred in the woods near the address of 200 West Railroad Ave. A juvenile male was attacked by a white male with a husky build. The male spoke in a raspy voice and wore panty hose over his face. He also wore camo colored pants and a green army-type jacket with black boots and black gloves. There was a group of juveniles camping together. Two juveniles left the camp to get beverages. The suspect tackled one of the juveniles. The suspect sat on the juvenile, and held a small knife to the juvenile's throat. The juvenile screamed and the suspect said "shut up or I'll kill you". The juvenile fought back and escaped without being harmed or groped.

Incident number eight occurred in the late fall of 1988. It occurred in the vicinity of 512 West Minnesota Street. A juvenile male was on his bicycle delivering papers and had stopped briefly at this location. He was attacked by a white male who was husky and stood approximately 5'6" tall. The suspect was possibly wearing a ski mask, dark colored stocking hat, black shirt, black pants, and black gloves. The suspect ran out from a line of trees in the yard. The suspect knocked the juvenile off of his bicycle. The suspect then fled the area on foot without saying or doing anything further.

At the time all of these incidents took place, Danny James Heinrich primarily resided at the Plaza Hotel, 121 Washburne Ave in the City of Paynesville. These incidents all took place within several blocks of his residence.

On 01/13/1989, the Stearns County Sheriff's Office (SCSO) received a report of a kidnapping and sexual assault which occurred in Munson Township, Stearns County, Minnesota. Law enforcement spoke to a juvenile male (hereinafter _____), whose name and other identifying information are known to the affiant and are contained in reports relevant to this investigation. _____ was born on _____ and was twelve years old at the time of the alleged kidnapping and sexual assault.

_____ told law enforcement officers that on 01/13/1989, at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring, MN. Approximately three blocks from his home in Cold Spring, _____ was met on the street by an adult white male driving a car. The driver stopped his vehicle and asked _____ words to the effect of "whether he knew where Kraemer lived." As _____ began to respond, the driver exited the vehicle, grabbed _____, told _____ to get in the car, and forced him into the backseat. The driver re-entered the car and began to drive. He told _____ the car was equipped with child safety locks.

As the driver was leaving the area, he instructed _____ to cover his face with his stocking cap and lay down in the back seat. He also told _____ he had a gun and he wasn't afraid to use it. No gun was displayed. _____ complied with the instructions but was able to see he was being driven out of Cold Spring. _____ specifically remembered going past the John Paul Apartment building located in the 200 block of 8th Ave. N. _____ also remembered going up "Bell's Hill" which is Stearns County Road 158. _____ believed they turned onto HWY 23 towards Richmond. _____ was able to look out the left rear window. He saw what he thought was the Richmond ball park, located in Munson TWP. The driver stopped shortly thereafter. _____ looked out and thought he saw the lights of the City of Richmond. _____ believed the driver took exaggerated turns to confuse _____. During the drive, _____ noticed a "walkie talkie" type handheld radio device with an antenna on the passenger seat. The walkie talkie had gray duct tape on it and was scratched. _____ heard a male voice and a female voice coming from the walkie talkie. The driver shut off the walkie talkie while driving. The entire drive took approximately 10-15 minutes. The driver stopped the car on a gravel road.

The driver got into the backseat with _____. He instructed _____ to remove _____ snowmobile suit and to pull _____ pants and underwear down. _____ complied out of fear and lowered his pants and underwear to his ankles. The driver lowered his own pants to his ankles. The driver touched _____ penis with his hand. The driver ordered _____ to touch the driver's genital area which _____ did. The driver placed _____ penis into his mouth and then had _____ put his mouth on the driver's penis. _____ complied. _____ later advised he wiped his mouth on his sweatshirt sleeve several times during this incident. The driver ordered _____ to kneel on his hands and knees and spread his legs.

complied and the driver attempted to insert his penis into rectum; however, struggled and the driver was unable to penetrate and eventually stated, "I give up."

The driver returned to the driver's seat through the center console. The driver took the snowsuit and wiped it off with a cloth or a mitten. The driver gave the snowsuit back. The driver took pants and underwear and placed them on the front seat. He allowed to put on his snowmobile suit but the driver maintained possession of jeans and underwear. He told if the police got a "lead" on the driver, the driver would "get him after school and shoot him." The driver told he was lucky to be alive. The driver returned towards Cold Spring and had exit the vehicle near Cold Spring. The driver told to roll around in the snow to wipe his snowmobile suit off. He also told to run and not to look back or he would shoot. The driver kept the pants and under wear that had been wearing. The pants were described as "Lee" brand stonewashed jeans boys regular size 14. The underwear were boys sized 12 or 14. was able to return home and reported the crime to his parents and law enforcement. snowmobile suit, sweatshirt, and t-shirt were all seized as evidence.

described the driver as follows: white male, approximately thirties in age; approximately 5'6"-5'7"; weighing approximately 170 pounds; with dark brown mid-length hair; brown eyes; fat ears that stuck out; a fat nose; bushy eyebrows; rough, wrinkled skin, darker complected with dark hair; broad neck and thick shoulders; rough, short, thick hands; a pudgy "beer belly" stomach, crooked bottom teeth like "cheese teeth", and a deep raspy voice. The driver also had an indentation of a ring on his right ring finger. He was wearing a brown baseball cap with unknown lettering; a dark-colored zip up vest; camouflage fatigues; black Army boots, and a military-style watch. On 12/13/1989 met with FBI agents to create an artists rendering of the driver. (See appendix A, attached hereto and incorporated herein, for a copy of the artists rendering and a copy of a photograph of Danny James Heinrich from 1990).

described the car as follows: a dark blue four-door automatic transmission passenger car with a luggage rack on the trunk; blue cloth interior with dark blue leather or vinyl interior trim, and front bucket seats. believed the shifter was in the center console area. The car smelled "new." (See appendix B, attached hereto and incorporated herein, for a copy of eight photographs of the Mercury Topaz Danny Heinrich owned in January 1989).

On 01/16/1989, SCSO Deputy Zieglmeier telephoned SCSO Detective Doug Pearce and indicated he had information regarding a possible suspect in the kidnapping and assault of. Deputy Zieglmeier identified the possible suspect as Danny James Heinrich, born 03/21/1963, of Paynesville, MN. Officer Zieglmeier advised Heinrich drove a 1987 dark blue Mercury Topaz, 4-door with a light blue interior bearing Minnesota license plate #086CEZ. Deputy Zieglmeier re-contacted Detective Pearce early that afternoon to advise Heinrich was currently in either the National Guard or Army Reserves and was observed on a regular basis wearing military fatigues.

Based on Your Affiant's review of documents and photographs, Danny James Heinrich's physical description in the late 1980's was as follows: white male; born 03/21/1963; 5'5": 160 pounds, brown hair, and brown eyes.

On 01/17/1989, Detective Pearce displayed to a photographic lineup consisting of six photographs of males with similar builds and characteristics. This photo line-up included a then current photograph of Danny James Heinrich. Upon viewing the lineup, indicated the picture of Danny James Heinrich and a picture of another male somewhat resembled the person who kidnapped and sexually assaulted him on 01/13/1989.

On 01/17/1989, Detective Pearce confirmed Danny Heinrich was a member of the Willmar National Guard.

On 01/18/1989, Detective Pearce and Detective L. Leland observed a 1987 dark blue 4-door Mercury Topaz bearing Minnesota license plate #086CEZ at Master Mark Plastics where Danny Heinrich was employed. Detective Pearce and Detective Leland observed the interior of the car appeared to be gray-colored. There was no luggage rack on the trunk.

Subsequently, on 10/22/1989, the SCSO received the report of a kidnapping which occurred in St. Joseph Township, Stearns County, MN. and male juveniles whose names and other identifying information are known to Your Affiant, told SCSO law enforcement officers at approximately 9:15 pm, they were in the company of Jacob Erwin Wetterling, age 11. A masked male subject approached the boys, on foot, with a handgun in the area of 29748 91st Avenue, St. Joseph Township. He ordered them into the ditch. He asked the boys how old they were.

They told him their ages. He then ordered and to run and not to look back or he would shoot them. Jacob Wetterling was led away by the masked male and has never been located. and reported they did not see any vehicles when the confrontation took place. Jacob Wetterling was last seen wearing a red hockey team jacket with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back. He was also wearing blue sweat pants, a blue mesh jersey, boys white tube socks, white boys underwear, a red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. The number "11" and the name "Wetterling" is on the back. He was also wearing an orange traffic vest with silver trim, and black drawstrings on each side. He was wearing boys Nike high top tennis shoes size 5, that were white with a grey Nike swoosh on the side and Nike written on the bottoms.

The masked male was described as follows: adult; approximately 5'9"-5'10"; approximately 180 pounds, and a low rough voice as if he had a cold. He was wearing a smooth, nylon-type mask to cover his face; dark coat, dark pants, and dark shoes. He had a silver colored handgun.

Shoe prints and tire impressions were discovered by law enforcement in the gravel driveway at 29748 91st Avenue, St. Joseph, MN. These shoe prints and impressions were approximately 75 yards away from the location where and Jacob Wetterling were initially confronted and 300-400 yards away from the woods that and were told to run to. Cast impressions and photographs were obtained of the shoe prints and tire impressions. One set of shoe prints looked to be similar to the Nike shoes Jacob Wetterling was wearing on 10/22/1989.

On 12/16/1989, following the suspected kidnapping of Jacob Wetterling, Danny Heinrich was interviewed by two FBI Agents. He advised he had been arrested twice for Burglary and also for Driving While Intoxicated (DWI). He belonged to the Army National Guard in Willmar, MN. He could not recall where he was on 01/13/1989 nor could he recall where he was on 10/22/1989; however, he offered he could have been washing clothes or visiting a friend on 10/22/1989. From the fall of 1988 through November 1989, Heinrich continued to live at 121 Washburne Av in Paynesville. He moved out in November 1989. He moved to his father's residence 16021 CR 124 in Paynesville TWP. Prior to February 1989, Heinrich split time staying at his mother's residence at 121 Washburne Ave and his father's residence at 16021 CR 124. Since 06/1989, he had been driving a light/medium blue 1982 Ford EXP bearing Minnesota license plate #188AOB. The 1982 Ford EXP had Sears Response Superguard rear tires. Prior to 07/1989, he indicated he drove a 1975 gray Ford Grenada which he sold to his mother. He denied wearing camouflage clothes or Army boots other than when on guard duty as it was stressed guards were not to wear Army clothes or Army-related clothes while off duty. He denied any knowledge regarding the abductions of or Jacob Wetterling.

On 01/08/1990, Paynesville Police Chief Robert Schmiginsky advised the Wetterling investigators that Paynesville had a year of molestation episodes. Chief Schmiginsky believed Danny Heinrich should be considered a suspect in the molestations. Several incidents of an unknown adult male groping or chasing juvenile males were reported to Paynesville law enforcement from approximately 09/1986-09/1987. No arrest(s) were ever made in connection to the reports. (Those and additional incidents are summarized ante at pgs 1-3 and 1-4).

On 01/12/1990, Heinrich was re-interviewed by law enforcement. He indicated the tennis shoes he was wearing at the interview were the only tennis shoes he owns and were purchased at Sears. The shoes had been purchased approximately one year prior to the interview. Heinrich voluntarily provided his tennis shoes to law enforcement officers. On 01/15/1990, Heinrich voluntarily authorized law enforcement officers to remove the rear tires from his 1982 blue Ford EXP bearing Minnesota license plate #188-AOB. He informed police that he purchased the EXP in September 1989. (see Appendix C, attached hereto and incorporated herein, for photographs of the EXP owned by Danny Heinrich in 1990).

On 01/15/1990, Detective Pearce obtained and reviewed documentation indicating the four-door 1987 Mercury Topaz, blue exterior/blue interior, automatic transmission, vehicle identification number (VIN) 2MEBM36X8HB64633, bearing Minnesota license plate #086CEZ, was purchased on 03/10/1988 by Danny Heinrich. On the purchasing contract, Heinrich's home address was listed as 121 Washburne Avenue, Paynesville, MN. Detective Pearce also received and reviewed documentation the vehicle was repossessed from Heinrich on 03/15/1989. Detective Pearce telephonically contacted the then current owners of the Topaz who voluntarily drove the car to Detective Pearce on 01/16/1990.

On 01/16/1990, [redacted] sat inside the 1987 Mercury Topaz and examined the vehicle. [redacted] said the Topaz "feels like" the car he was in and he "wouldn't change a thing" about the interior. On a scale of 1 to 10 (with 10 being most similar) the Mercury Topaz was an "8 or possibly a 9" as being similar to the car in which he had been kidnapped and sexually assaulted. (Photographs of the Topaz taken on 1/16/1990 are attached in Appendix B).

On 01/18/1990, back seat carpet and seat samples were obtained by Detective Pierce from the 1987 Mercury Topaz, VIN 2MEBM36X8HB646334. Those samples were retained by law enforcement. On 02/09/1990, the FBI Laboratory verbally indicated a "synthetic fiber found on [redacted] snowmobile suit exhibited the same microscopic and optical properties as the fibers in the composition of the seat samples obtained on 01/18/1990 from the 1987 Mercury Topaz owned by Danny Heinrich in January 1989. On 03/05/1990, the FBI Laboratory provided a written document which stated "a gray synthetic fiber found on the snowmobile suit exhibited the same microscopic characteristics and optical properties as the fibers in the seat sample from the 1987 Mercury Topaz and, accordingly, is consistent with having originated from the same source."

On 01/23/1990, SCSO obtained a search warrant for Danny Heimlich's father's (Howard Heinrich) residence at 16021 County Road 124, Paynesville, MN. According to a family member, Danny Heinrich moved from his mother's apartment at 121 Washburne Avenue, Paynesville, MN in October 1989 and was living with his father at 16021 County Road 124, Paynesville.

On 01/24/1990, law enforcement officials conducted a search of the residence at 16021 County Road 124, Paynesville, MN. The following items were seized: One black portable scanner carrying case; lists of scanner frequencies and operating manuals; one pair black lace up boots; two brown caps; one "Radio Shack" scanner frequency book; one shirt and pair of trousers (both camouflage); one past due loan payment in the name of "Danny Heinrich" and one pay stub from Fingerhut Corporation dated 10/08/1989 in the name of "Danny Heinrich"; one vest; one handheld Regency programmable scanner; one six channel Regency scanner. (See Appendix D, attached hereto and incorporated herein, for a nine page copy of the search warrant affidavit and inventory).

During the search, Danny Heinrich was re-interviewed. He still could not remember where he was on Sunday 10/22/1989 but his best guess was he was at home at his former apartment at 121 Washburne Ave #24 in Paynesville. Per Heinrich, his Sundays were usually spent driving around Paynesville, washing clothes, or watching a movie. He was "mostly by himself." He could not locate any receipts or paperwork which could provide him an alibi but he stated he was not in St. Joseph, MN at any time that weekend. He was not working and was unemployed. After consulting his records, his last day of work at Fingerhut Corporation was 10/08/1989 and he was unemployed until 11/12/1989 when he started at North Star Mailing in St. Cloud, MN. He moved out of his apartment at the Plaza Hotel in Paynesville on 11/30/1989 and moved into his father's basement. Investigators noted Heinrich's bottom teeth had black spots in the front and he advised he chewed tobacco for many years. During a search of one of Heinrich's locked trunks, he produced six photographs. Three of the photographs were school-type photos of children with the last name, "Wurm." Heinrich stated he obtained the photos while he was at the Willmar Regional Treatment Center (WRTC) and the children depicted were from the Twin Cities area of Minnesota, but he had met them while they were at the WRTC Adolescent Treatment Unit. Investigators were able to confirm that Danny James Heinrich was a patient at WRTC. The other photos depicted a male child coming out of the shower with a towel wrapped around himself, a male child in his underwear, and an additional photo of three fully clothed children. Reports did not indicate any age range for the children in the photographs. Heinrich objected to law enforcement officers seizing the photographs because "they just didn't look right". The photographs were not seized. In subsequent interviews, Heinrich stated that he burned the photos. He told officers the photos "looked bad" and were "no kind of pictures to have anyway."

On 01/25/1990, Heinrich was re-contacted by FBI SA Eric D. Odegard at his residence. His father, Howard Heinrich, was also present. Heinrich volunteered to appear at the SCSO to retrieve the two rear tires for his 1982 Ford EXP. He also agreed to appear in a physical lineup. On 01/26/1990, a physical lineup of six white males, including Danny Heinrich, was conducted. [redacted] could not identify any of the males as being the individual who kidnapped and sexually assaulted him. [redacted] said one of the participants and Danny Heinrich were similar to his kidnapper based on build, chest, and stomach. [redacted] indicated the one of the participants was a "7" on a scale of one to ten and Danny Heinrich was a "4" in similarity to his kidnapper.

On 01/26/1990, Jacob Wetterling Investigators were verbally advised by the FBI Laboratory that the tires provided by Heinrich were consistent with but not an exact match of the tire impressions left at the scene of the Wetterling kidnapping. It was determined the Sears Superguard Response tread design was consistent with the tire impressions at the scene and the tire size was also consistent with measurements obtained of the tire impression at the crime scene. On 04/13/1990, FBI Laboratory examiner David Attenberger submitted a written report regarding shoe print impressions from the scene of the Wetterling kidnapping and compared them to Heinrich's shoes taken on 1/12/1990. Attenberger concluded that "due to lack of sufficient detail in the submitted questioned shoe impression," it could not be determined whether the right shoe impression at the scene was made by Heinrich's right shoe. However the shoe impression at the scene "corresponds in design" to Heinrich's right shoe. Attenberger also compared the tire impressions from the Wetterling crime scene to the tires taken on 1/25/1990 from Danny Heinrich's car and concluded the tires tread pattern was "consistent with the tire impressions found at the Wetterling crime scene." (See appendix E, attached hereto and incorporated herein, for copies of the photographs of the shoes, tires, shoe prints, and tire marks.)

On 02/05/1990, James Martin Wurm, was interviewed by FBI SA Odegard. Wurm said his sister is Arlene Jude of Paynesville, MN. Wurm and his wife had five boys aged 22 to 11. His sons, Leroy and Lloyd, would often stay at the Jude residence in Paynesville. Wurm recalled a juvenile named Tommy Heinrich playing football with his boys. Tommy Heinrich was 17 years old at the time of the interview. Wurm was shown a photograph of Danny Heinrich and stated Danny Heinrich would often accompany Tommy Heinrich to the Jude residence but would not play football with the kids. Wurm advised the Jude home had been burglarized five or six years earlier and had again been recently burglarized and set on fire in approximately 11/1989. Wurm provided a photograph of Lloyd and Leroy Wurm taken in 1980. FBI SA Odegard noted the photographs looked similar to photographs he had observed in Danny Heinrich's possession on 01/24/1990.

On 02/09/1990, Danny Heinrich was arrested on probable cause for the kidnapping and sexual assault of Heinrich stated emphatically he was not guilty, that he was being framed, and that he was not going to talk to the interviewing agents. Heinrich re-stated he was innocent and he invoked his right to an attorney. Heinrich was later released without being charged. All property seized during the search warrant executed on 01/24/1990 was released to Heinrich on 02/08/1991.

On 07/18/2012, a Minnesota Bureau of Criminal Apprehension (BCA) Report on the Examination of Physical Evidence (laboratory report number S890-1699, report #40), indicated a DNA profile was obtained from snowmobile suit (item 46), sweatshirt (item 47), and shirt (item 48).

DNA analysis was performed on those samples as well as on a known DNA sample from . The DNA profiling results indicated a sample obtained from the right wrist of ; sweatshirt (item 47-5) contained a "mixture of two or more individuals." ; could not be excluded as being a possible contributor. The unidentified predominant male DNA profile did not match ; however, "it is estimated 99.5% of the general population could be excluded from being contributors." Samples which contained a mixture of two or more individuals were also obtained from the center chest of the snowsuit, the neck of the sweatshirt, and the chest of the sweatshirt. The partial predominant male DNA profile obtained from the neck of the sweatshirt and the chest of the sweatshirt matched .

On 03/05/2014, a BCA lab report (Laboratory number S890-1699, report number 44) indicated DNA profiling was performed on a sample collected from the baseball hat collected following an attack in Paynesville, MN on 05/17/1987 (item 75). DNA results indicated a mixture of three or more unknown individuals was present.

On 1/12/1990, Danny James Heinrich voluntarily provided body hair samples to Detective Steve Mund and SA Pete Cunningham of the FBI. SA Cunningham delivered those samples to the FBI lab for comparison. These samples were placed under glass slides and mark K1 and K2 for identification and have been retained by law enforcement.

On 5/12/2015, Your Affiant presented slides K1 and K2 to the BCA trace evidence unit. The trace evidence unit examined the hair slides and deemed them suitable for nuclear DNA testing. They were forwarded to the Biology section for further testing. On 7/10/2015, Your Affiant received a report regarding the examination of the hair samples. (Laboratory number S890-1699, report number 49). The report stated there was a "mixture of two or more individuals" on the right wrist of sweatshirt (item 47-5). The "predominant male DNA profile matches

Danny James Heinrich. The predominant profile would not be expected to occur more than once among unrelated individuals in the world population. "

The DNA of Danny James Heinrich was also compared to the blue baseball cap that was recovered after an incident in 1987 in Paynesville. The hat contained a "mixture [of DNA] from three or more individuals. Danny James Heinrich could not be excluded from being a possible contributor." "It was estimated that 80.5% of the general population could be excluded from being contributors." (Laboratory number S890-1699, report number 49).

On July 28, 2015 the search warrant was executed at Danny Heinrich's residence 55 Myrtle Ave. S. in the city of Annandale, Wright County Minnesota. As result of that search numerous items believed to contain child pornographic images were seized. Danny Heinrich was present during the search and did make some admissions to Stearns County Capt. Pam Jensen and Agent Kenneth McDonald to possessing those items.

On October 26, 2015 after reviewing the items seized in the search warrant, Capt. Jensen and Agent McDonald make contact with Heinrich at his residence to discuss the child pornography. Heinrich admitted that he possessed the child pornography. Investigators also began questioning Heinrich on the disappearance of Jacob Wetterling at which time indicated he did not want to discuss that and wanted legal counsel. Investigators did not arrest Heinrich and left the residence.

On the late evening of October 26, 2015 Heinrich was arrested for possession of child photography and taken into federal custody. The investigation was turned over to federal prosecutors in St. Paul Minnesota. Subsequently Heinrich was charged federally on numerous counts of possession and receipt of child pornography.

On August 30, 2016, law enforcement was provided information from a source of information (SOI), who shall remain anonymous, relative to the investigation of the Wetterling abduction. The SOI has a personal relationship with Danny Heinrich and has regular contact with him.

According to the SOI, on August 30, 2016, the SOI spoke with Heinrich. Heinrich told the SOI that approximately 25 years ago, he buried the physical remains, to include bones and clothing, of Jacob Wetterling in a clandestine grave located at the land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site. The SOI provided a detailed description of where these remains were buried by Heinrich.

Agent McDonald believes these statements to be reliable: The identity of the SOI is known to law enforcement. The SOI is known to be in a position to have directly obtained this information from Heinrich. The SOI knew that this information was going to be provided to law enforcement for the purpose of conducting a search to recover the remains of Jacob Wetterling. The SOI is well aware of the serious adverse consequences of providing false information to law enforcement about this matter. The SOI would have no reason to provide information that would bring negative consequences to Heinrich or to the SOI. According to the SOI, Heinrich was aware that this information would be provided to law enforcement by the SOI.

Items to be searched for:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.


11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREFORE, Affiant requests a search warrant be issued, commanding, Special Agents, **Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold**, (a) peace officer(s), of the State of Minnesota, and all other personnel under your direction and control between the hours of 7:00 a.m. and 8:00 p.m. only to search the hereinbefore described Premises(s), for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

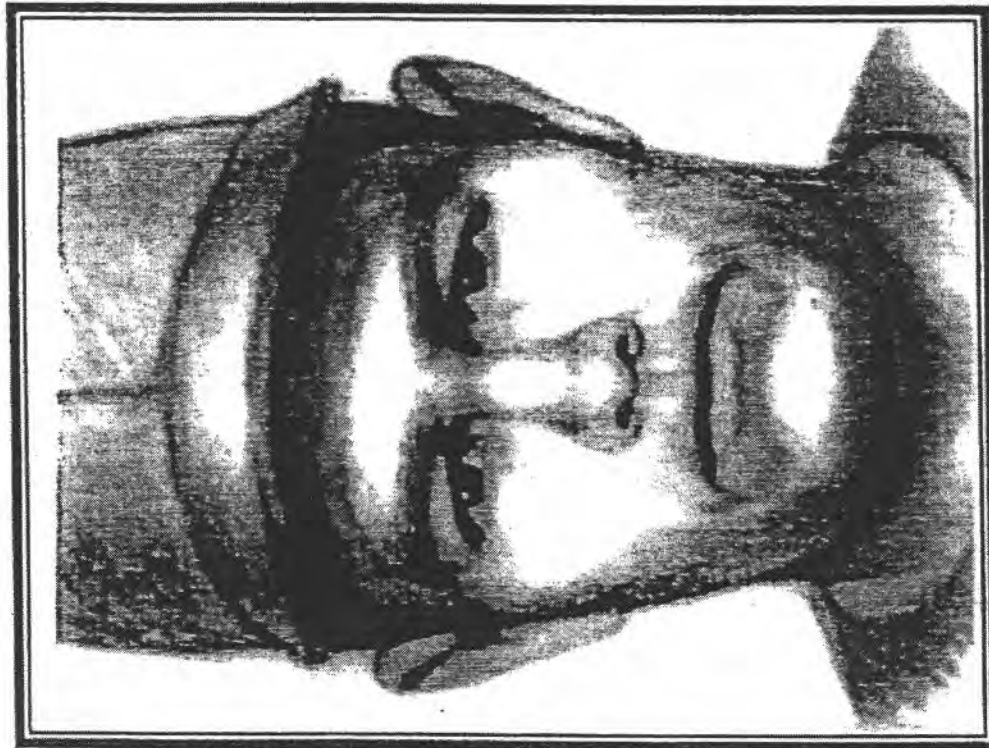

Affiant: Special Agent Kenneth McDonald

Subscribed and sworn to before me this

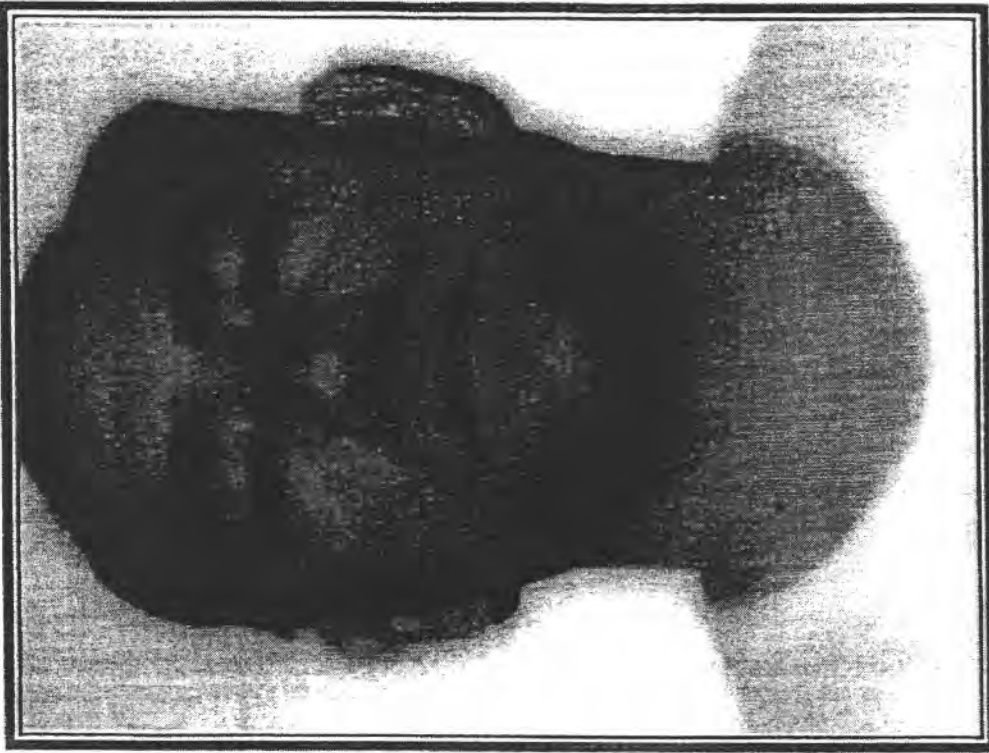
31st day of August, 2016


Judge of District Court

Appendix A



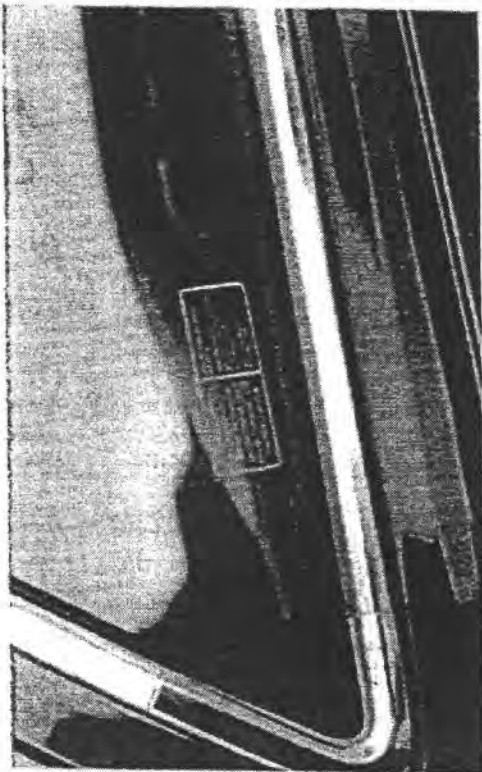
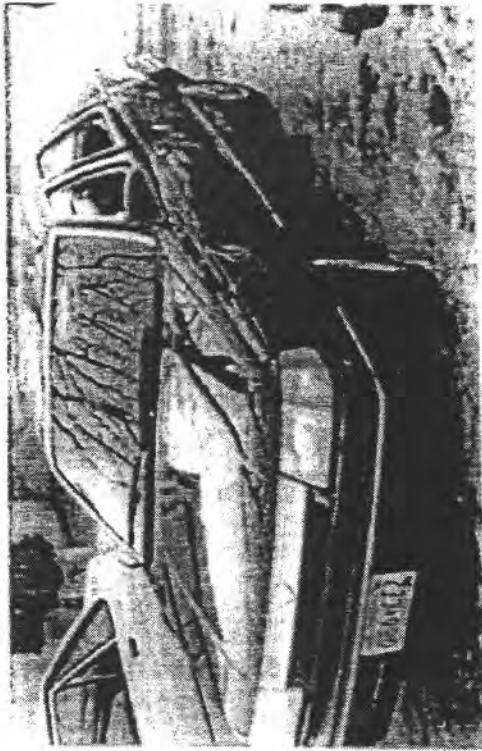
Artist rendering of driver who kidnapped JNS



Danny James Heinrich, DOB 3/21/63
Taken in 1990

Appendix B

1987 Mercury Topaz

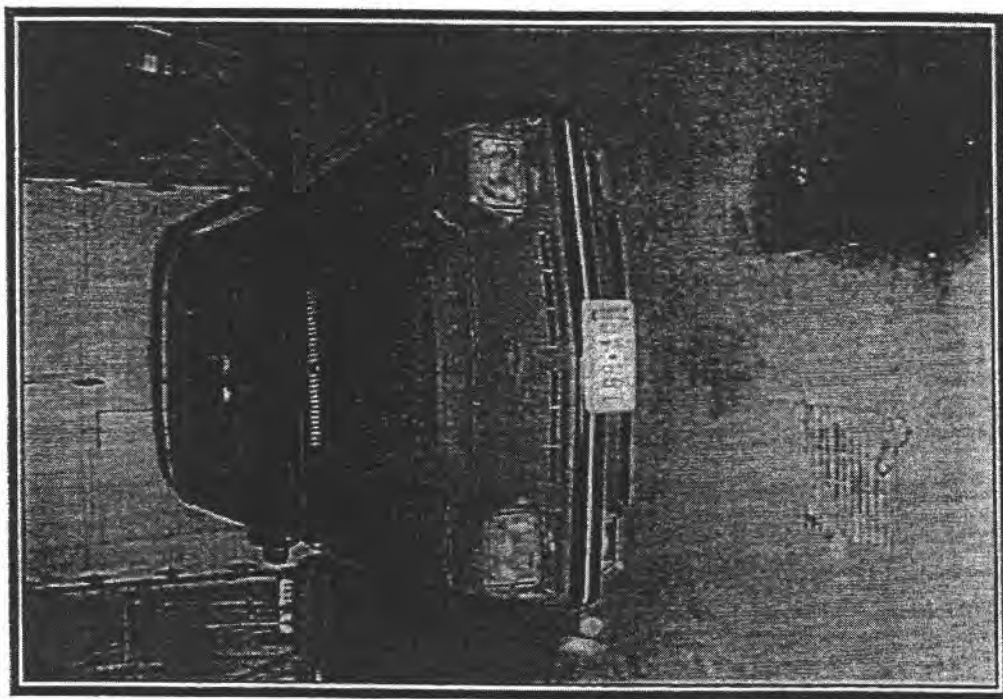
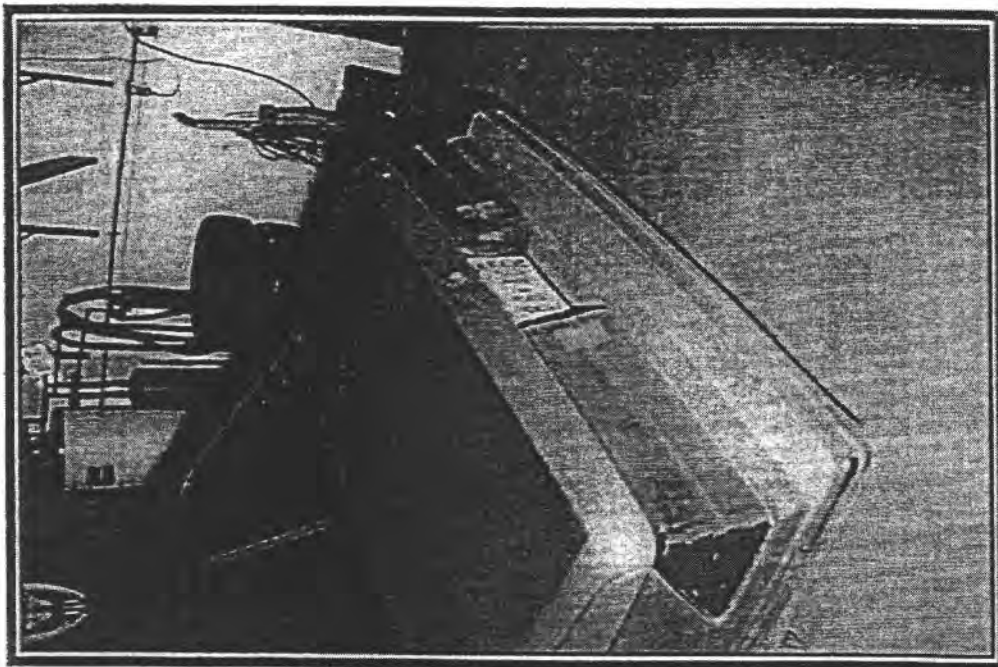


Appendix B

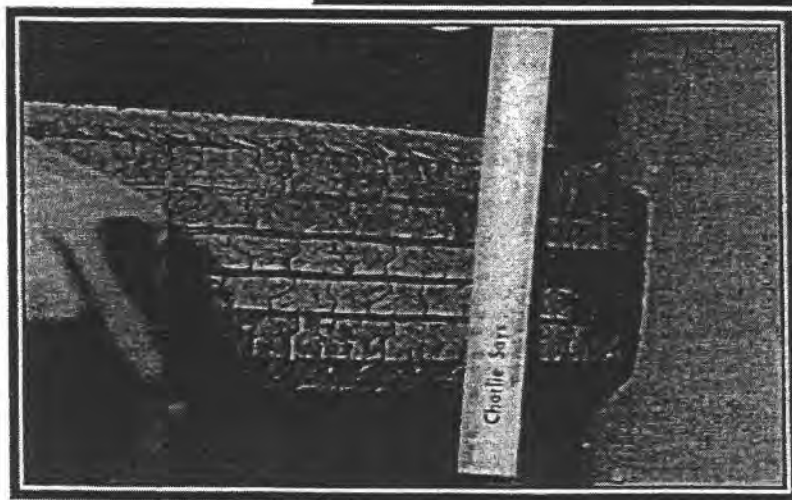
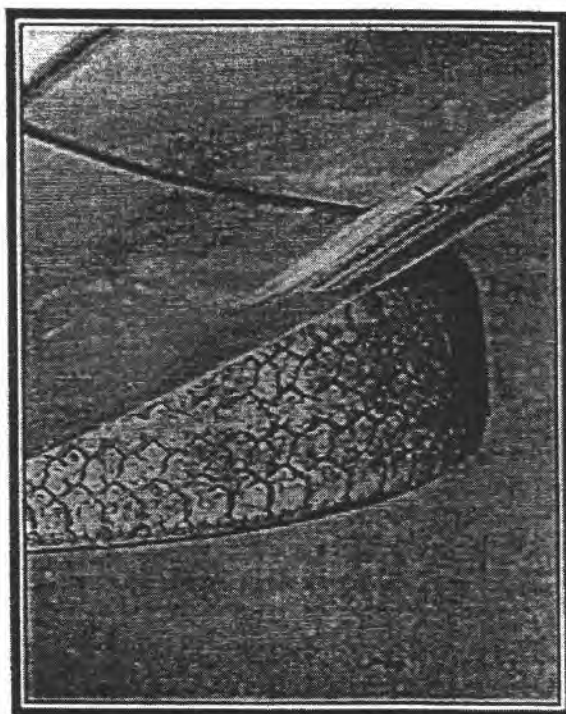
1987 Mercury Topaz



Danny Heinrich's, 1982 Ford EXP



Appendix C



Ford EXP
Superguard Tires

STATE OF MINNESOTA, COUNTY OF Stearns District COURTSTATE OF MINNESOTA)
) SS.
COUNTY OF Stearns)APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

Ralph Boeckers being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

(are) (will be)

(at the premises) ~~in the motor vehicle~~ (or the person) described as:

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

located in the Township of Paynesville, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Affiant, Ralph Boeckers, is a Detective with the Stearns County Sheriff's Department.

Affiant is aware that on January 13, 1989, the Stearns County Sheriff's Department received and began to investigate the report of a sexual assault which had happened that day in Munson Township, Stearns County, Minnesota. Officers spoke to a male juvenile whose name and other identifying information is known to affiant and is contained in offense reports relevant to this investigation. was 12 years old on the day of this incident, having a date of birth of January 19, 1976.

told investigating officers that at approximately 9:45 p.m. on January 13, 1989, he was walking home from the Side Cafe, located in the City of Cold Spring, Stearns County, Minnesota. Approximately three blocks from his home, met a vehicle driven by a white adult male. The driver stopped the vehicle and asked if he knew where a person named Kraemer lived. As began to respond, the driver got out of the vehicle, grabbed and threw him in the backseat of the car. was able to observe that the car was a dark blue, four door model with a lighter blue interior. stated that he thought the car was a new car because it smelled new and had an automatic transmission, with the shift lever located on the steering column. Both the front, bucket-type seats and the rear, bench-type seat were covered in a lighter blue material accented in darker blue leather or vinyl. Additionally, observed a small white sticker in the right hand corner on the top of the rear back window. The rear back window was not much slanted, but rather was more perpendicular to the body of the car and had a defroster on it.

After forcing into the rear seat of the car, the driver re-entered the car and drove away, instructing to cover his face with his stocking cap. complied with the driver's instructions, but was able to see that he was being driven out of the City of Cold Spring. observed that the driver was a white adult male, approximately 5'6" to 5'7" tall, weighing approximately 170 pounds, with broad shoulders and a pudgy, "beer belly" stomach. stated that the driver did not have straight teeth. His teeth were crooked, like "cheese teeth". Additionally, the driver was darker complected, with a rough, wrinkled face and a stubble of beard. observed that the driver was wearing green camouflage army-type clothing with a dark vest. The man wore black military-type boots and a brown baseball cap with lettering. noted that the man had a deep voice and there appeared to be the indentation of a ring on the man's right ring finger. The man also wore an army-type watch on his left wrist. Additionally, noted that the man had dark hair.

also noticed a "walkie talkie" type hand-held radio device inside the car. The walkie talkie had gray duct tape on it and was scratched. The walkie talkie had an antenna on it. heard two voices speaking on the walkie talkie, one male and one female. The driver shut the walkie talkie off during the course of this incident.

told officers that the man drove for some time, driving in a way that interpreted as being intended to confuse him. Eventually, the man stopped the vehicle on a dirt or gravel road which believed to be north of the City of Richmond, Stearns County, Minnesota. was able to observe a farm light in the distance. After stopping the vehicle, the driver entered the backseat with . The driver instructed to remove his snowmobile suit, and complied. The driver instructed to pull his pants and underwear down. complied,

(continued on page 1-3)

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching [redacted] feeling [redacted] penis with his hand. The driver instructed [redacted] to touch the driver's genital area, which [redacted] did. The driver then placed [redacted] penis into his mouth and began to suck on it. After some time, the driver instructed [redacted] to suck on the driver's penis. [redacted] complied, placing the driver's penis inside his mouth. [redacted] noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, [redacted] wiped his mouth on his T-shirt several times. The driver instructed [redacted] to kneel on his hands and knees and spread his legs. [redacted] complied and the driver attempted to insert his penis into [redacted] rectum. [redacted] struggled and the driver was unable to effect entrance. The driver stated, "I give up".

[redacted] stated that the driver then returned to the driver's seat, instructing to give the driver [redacted] pants, which were Lee stonewashed jeans, size Regular 14, and underwear, size 12 or 14. The driver took [redacted] pants and underwear into the front seat and permitted [redacted] to put on his snowmobile suit. The driver then drove [redacted] back toward Cold Spring. While driving, the driver asked [redacted] whether he had any money. [redacted] stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped [redacted] off near the City of Cold Spring, instructing [redacted] to roll around in the snow in order to wipe his snowmobile suit off. Before permitting [redacted] to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed [redacted] that the driver had a gun. As he dropped [redacted] off, the driver stated that [redacted] could tell what happened, but if the police got a lead on the driver, the driver would "get [redacted] after school and kill [redacted]".

On January 17, 1989, Detective Pearce displayed to [redacted] a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, [redacted] indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8HB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L [redacted]

[redacted] was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence [redacted] sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

and , male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; and told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered and to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

4/65

#124 and Cushing Road. The residence has the fire number of 21P11 and has a 911 address of 16021 County Road #124, Paynesville, Minnesota. The residence is owned by Howard Heinrich. Said residence is located in Section 21, in the Township of Paynesville, Stearns County, Minnesota.

Affiant has reason to believe and does believe all the above information is true and correct. Affiant believes that evidence tending to show that crimes have been committed and that Danny James Heinrich committed them is being stored at Heinrich's residence.

(attach and identify additional sheet if necessary)

~~A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:~~

~~An unannounced entry is necessary to prevent the loss, destruction or removal of the objects of the search (and) to protect the safety of the peace officers, because:~~

WHEREFORE, Affiant request a search warrant be issued, commanding Ralph Boeckers, and other law enforcement officers under his control and direction, all

~~(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)~~
~~(in the daytime only) (in the daytime or nighttime)~~
 to search the hereinbefore described (premises) (motor vehicle) (person)
 for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Subscribed and sworn to before me this

23 day of July 1970.

Ralph Boeckers
 Affiant Ralph Boeckers
[Signature]
 Judge of District Court

4/66
 Court

SEARCH WARRANT

2-1

STATE OF MINNESOTA, COUNTY OF Stearns District COURT
TO: Ralph Boeckers, and other law enforcement officers under his control and
direction, all (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, Ralph Boeckers has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises) (motor vehicle) (person):

SEE ATTACHED 2-1A

located in the Township of Paynesville, county of Stearns STATE OF MINNESOTA
for the following described property and things: (attach and identify additional sheet if necessary)

SEE ATTACHED 2-1B

WHEREAS, the application and supporting affidavit of Ralph Boeckers
(was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds: (Strike inapplicable paragraphs)

~~1. The property above described was stolen or embezzled.~~

~~2. The property above described was used as a means of committing a crime.~~

~~3. The possession of the property above described constitutes a crime.~~

~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things (are) (will be) (at the above-described premises) (in the above-described motor vehicle) (on the person of).

The Court further finds that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of said search.

The Court further finds that entry without announcement of authority or purpose is necessary (to prevent the loss, destruction, or removal of the objects of said search) and (to protect the safety of the peace officers).

NOW, THEREFORE, YOU Ralph Boeckers, and other law enforcement officers under your
control and direction, all

THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED (TO ENTER WITHOUT ANNOUNCEMENT OF AUTHORITY AND PURPOSE) (IN THE DAYTIME ONLY) (IN THE DAYTIME OR NIGHTTIME) TO SEARCH (THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (THE PERSON OF) FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW) (TO DELIVER CUSTODY OF SAID PROPERTY AND THINGS TO).

BY THE COURT:

W. L. K. 467
JUDGE OF District COURT

Dated 1/23, 1990

SEARCH WARRANT 2-1A

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

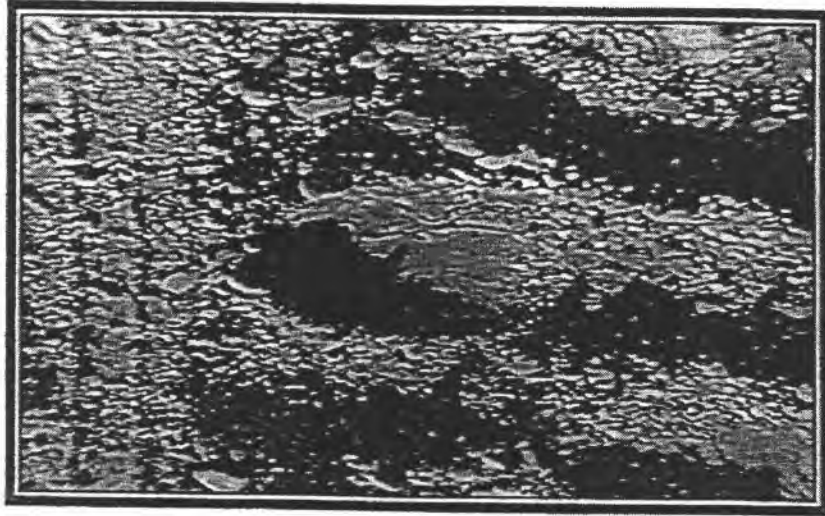
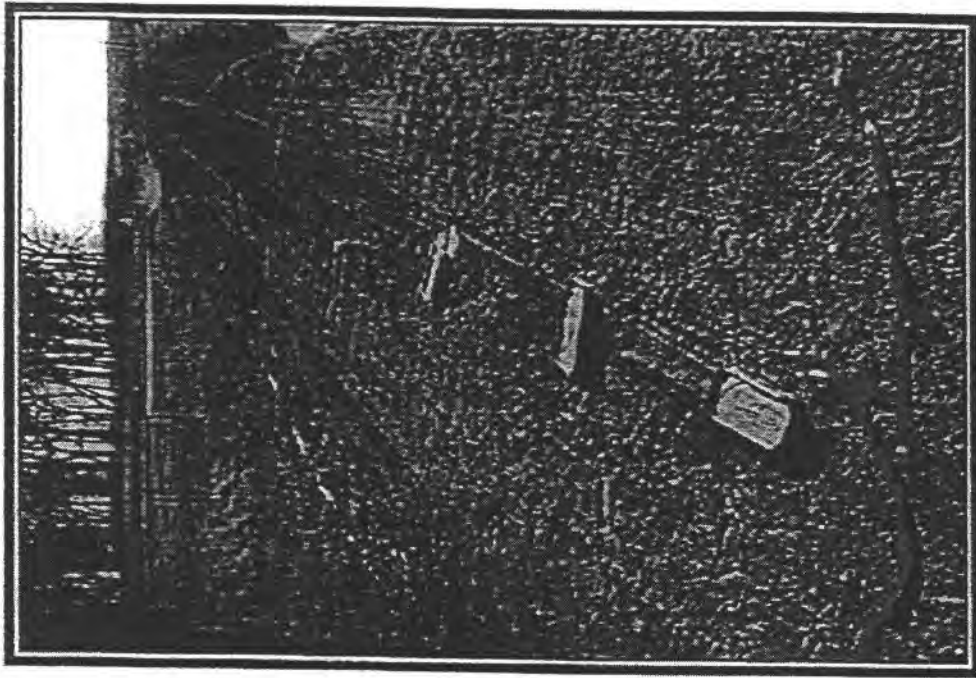
Appendix- D

SEARCH WARRANT 2-1B

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, , blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

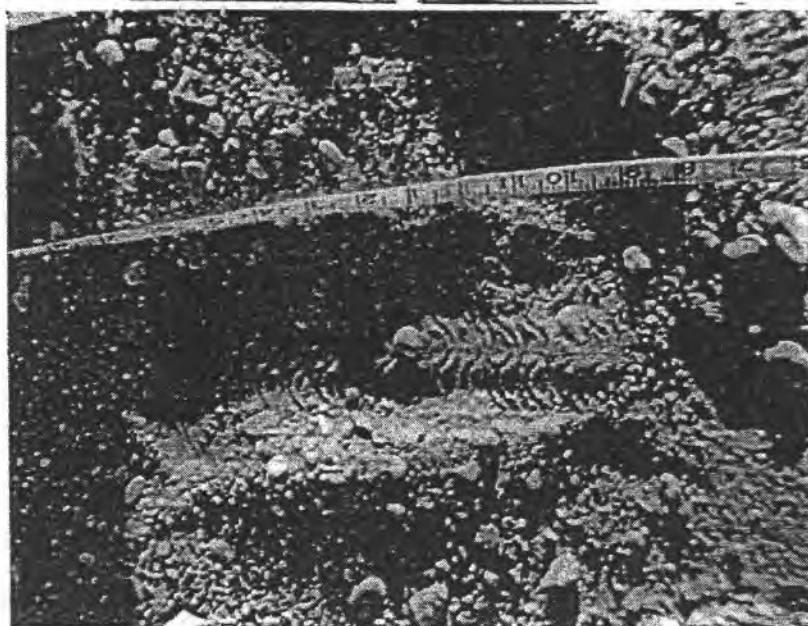
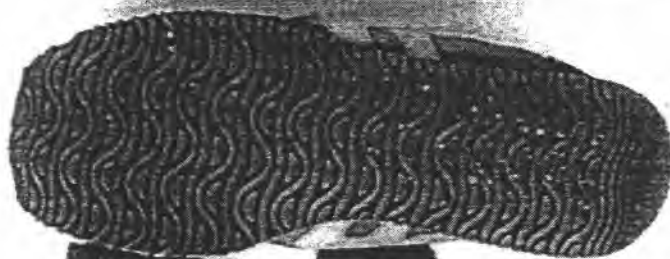
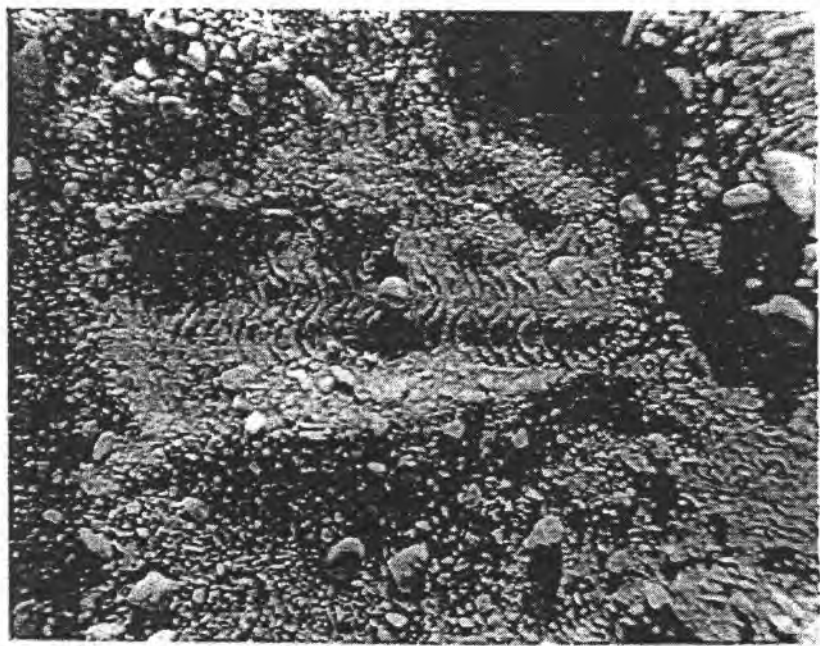
Castings and Footprints from the Wetterling
Abduction Site

Appendix E



Scene Shoe Prints and Heinrich's shoes from

January 1990



SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

TO: **Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold**, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, **SPECIAL AGENT KENNETH MCDONALD** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Premises:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in PAYNESVILLE TOWNSHIP County of Stearns STATE OF MINNESOTA for the following described property and things:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREAS, the application and supporting affidavit of Special Agent Kenneth McDonald was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. **The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.**

NOW, THEREFORE, YOU **Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold** THE PEACE OFFICER(S) AFORESAID, AND **ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL** ARE HEREBY AUTHORIZED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED PREMISES,

BY THE COURT:

Dated : 8-31-16


JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

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STATE OF MINNESOTA, COUNTY OF Stearns District COURT

RECEIPT, INVENTORY AND RETURN

Ralph Boeckers, received the attached search warrant issued by the Honorable Paul Widick, on Jan 23, 1990, and have executed it as follows:

Pursuant to said warrant, on Jan 24, 1990, at 11:14 o'clock AM, I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) 4021 CR #134, PLYMOUTH MN

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

- ① Black scanner carrying case
- ② Lists of scanner frequencies and operating manuals
- ③ One Pair of Black boots
- ④ Two Bin bags
- ⑤ One scanner frequency Book "Radio Shack"
- ⑥ One shirt, One Pair Ties, namo, namo
- ⑦ One Post due loan payment name of "Danny Heinrich"
- ⑧ One Ry Sub Finger hat Corporation name of Danny Heinrich dated 10-3-89
- ⑨ One vest
- ⑩ One "Regency" Hand Held scanner Programmable
(Strike when appropriate:) "⑪ One 6 Channel Regency scanner"

I left a receipt for the property and things listed above with a copy of the warrant.

None of the items set forth in the search warrant were found.

I shall (retain) or (deliver) custody of said property as directed by Court order

Ralph Boeckers, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this
31 day of Jan, 1990
[Signature]
Notary Public, County, Minn.
My commission expires _____

Ralph Boeckers
Signature

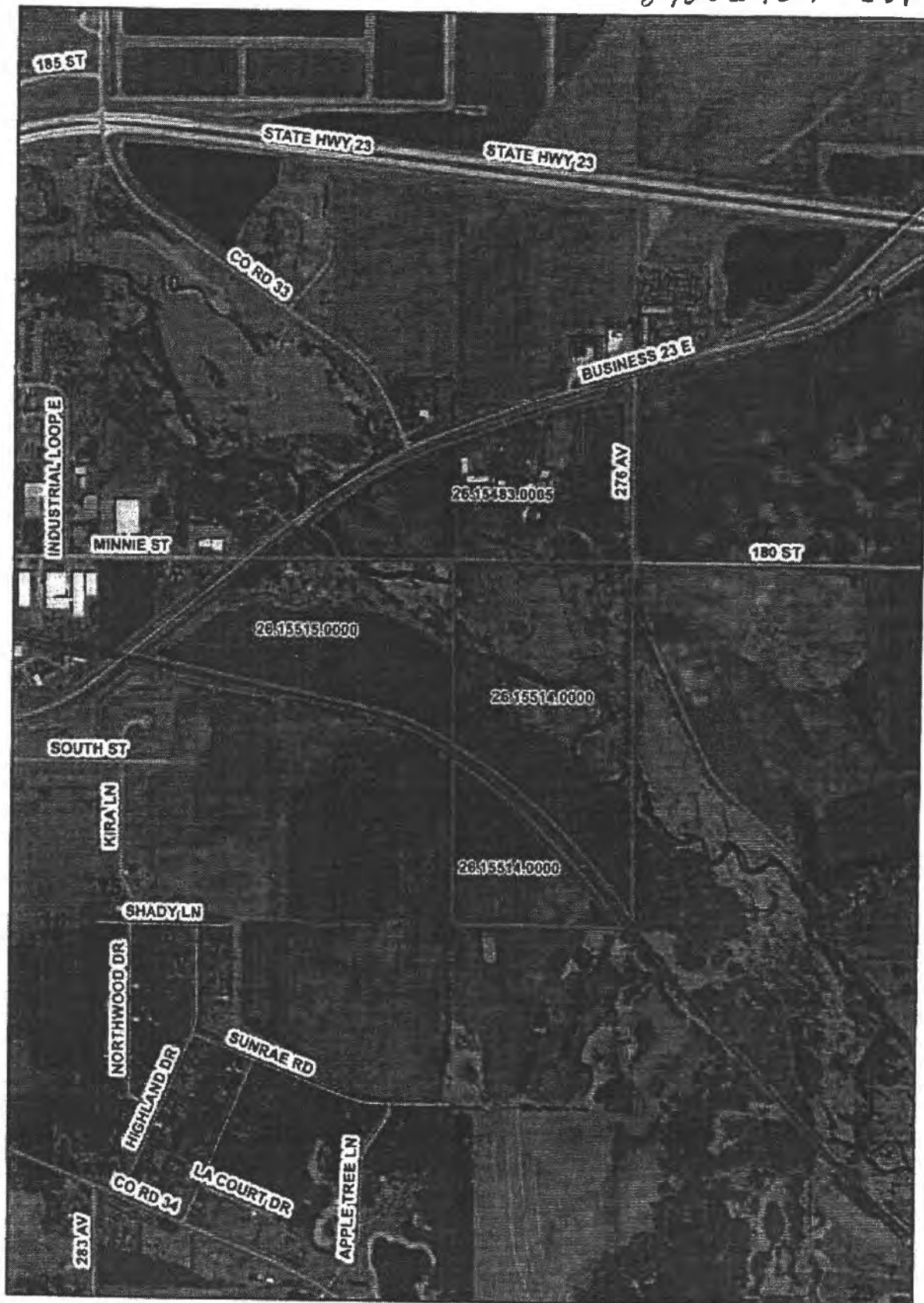
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Doug: 763.213.9978

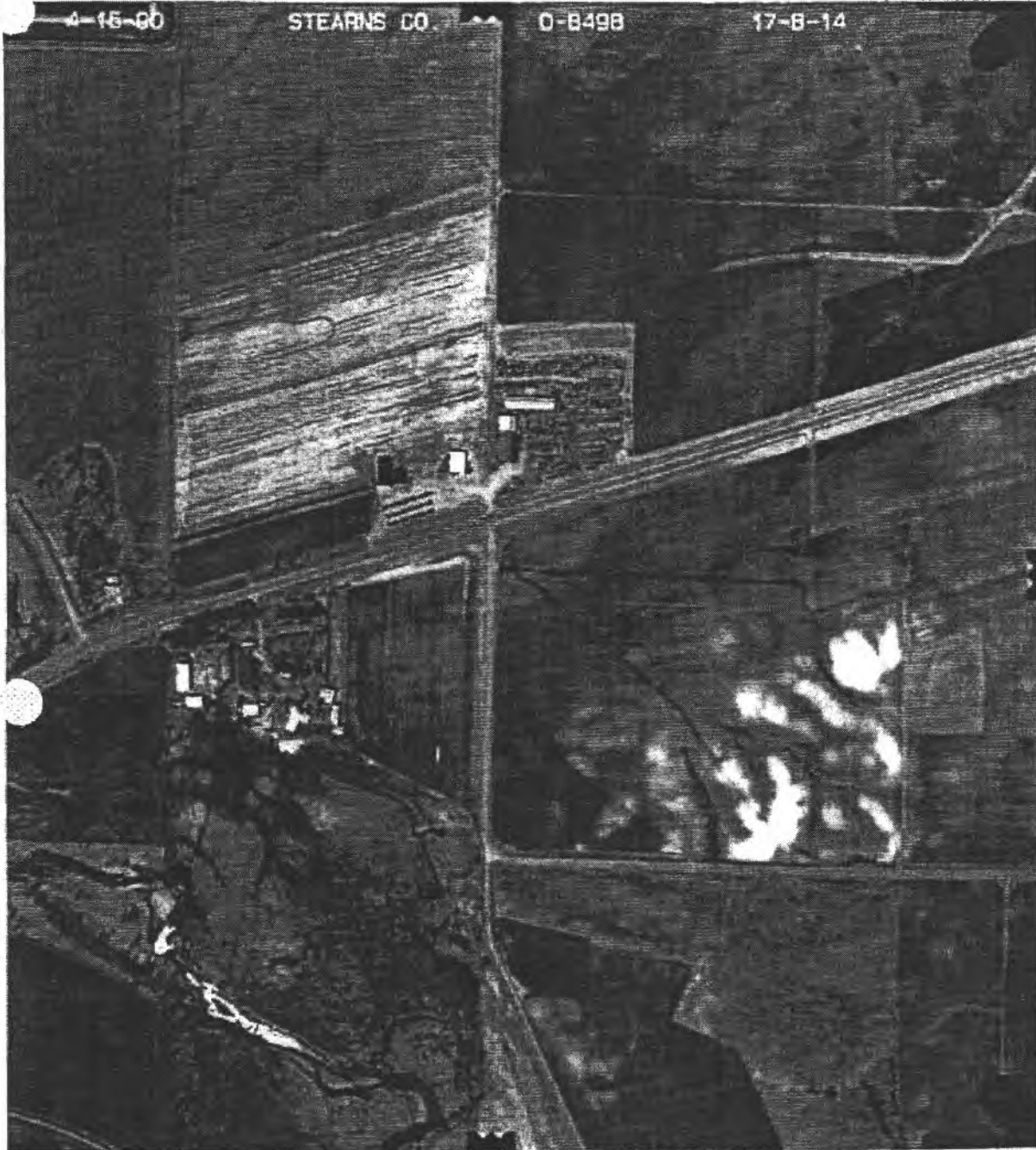
Beth: 763.213.9979

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89-60457

89006407 copy



89-60407

89006407 copy



STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

STATE OF MINNESOTA)

) SS.

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT.

COUNTY OF STEARNS

Special Agent Kenneth McDonald, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, to install, monitor, and maintain a mobile tracking device, hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

Affiant seeks permission to search the premises described as:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in the PAYNESVILLE TOWNSHIP, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant, Special Agent Kenneth McDonald is presently an agent with the Minnesota Bureau of Criminal Apprehension. Agent McDonald has 26 years of felony level investigative experience. The last 19 years agent McDonald has been assigned to the homicide unit within Minnesota BCA. Agent McDonald has a Master's degree in criminal justice and is a Police Forensic Pathologist Specialist. During that time, Your Affiant has drafted and executed numerous search warrants. Those warrants have resulted in the collection of evidence and the recovery of property. They have also lead to successful prosecution of offenders. This affidavit is made in support of a warrant to search PAYNESVILLE TOWNSHIP, County of Stearns, State of Minnesota. Based on review of reports and personal knowledge, Your Affiant believes the following to be true.

The City of Paynesville, County of Stearns had several incidents from 1986 through 1988 where juvenile males where assaulted and/or sexually assaulted in various locations throughout the city. The juvenile males ranged in age from twelve to sixteen years old. All of the juvenile males listed below have been fully identified and their names are contained in police reports.

Incident number one occurred in August of 1986. A juvenile male was attacked in an alley behind Papa's Pizza at 108 West Hoffman St. A husky, white male who was approximately 5'9" with a mud like substance on his face jumped from the bushes, knocked the juvenile off of his bicycle, and struck the juvenile in the nose. The juvenile struck the unknown offender who then fled the area on foot. The suspect didn't say anything.

Incident number two occurred on August 21, 1986. Two juvenile males were leaving Papa's Pizza. A heavy set male who stood approximately 5'6"-5'8" and wore a long sleeve sweater and gloves, attacked one of the juveniles. The suspect hit the juvenile in the back of the head with his hand and knocked him to the ground. The suspect groped the juvenile male's front pockets. As the second juvenile male approached, the suspect fled the area on foot. The suspect didn't say anything.

Incident number three occurred on November 30th, 1986. A juvenile male was attacked in the vicinity of 603 Augusta Ave. A heavy set male, wearing a nylon windbreaker came out of the bushes in the alley. The suspect put his hand over the juvenile male's mouth and dragged him into some trees. The suspect told the juvenile not to speak or the juvenile would be killed. The suspect spoke in a "low, static filled" voice. There was also a strong odor of cigarette smoke on the suspects' hands. The suspect rubbed the juvenile male's testicles both over and under his clothing. The suspect removed the juvenile male's stocking hat and cut off some of his hair with a jagged edged knife. The suspect asked the juvenile male's name and age. Once the attack was over, the suspect told the juvenile to "keep laying down for five minutes or I'll blow your head off". The attacker kept possession of the juvenile male's brown and tan stocking cap and hair. The hat was trimmed with the letter "T" and the symbol for a heart repeated all the way around the hat.

Incident number four occurred on February 14th, 1987. The attack occurred in the stairwell of an apartment building at 122 West James St. A juvenile male was attacked by a heavy set male who was approximately 5'6" tall wearing a dark colored quilted jacket with mask covering his face. The juvenile had been at Papa's Pizza earlier in the evening. The suspect grabbed the juvenile and threw him down the steps. The juvenile began to scream. The suspect told the juvenile to keep quiet or he would kill the juvenile. The suspect groped the juvenile's penis and testicles both over and under his clothing. The suspect spoke in a deep low whisper. The suspect asked the juvenile what grade he was in. The suspect told the juvenile not to move or he would kill him. The suspect took the juvenile's wallet and left the area on foot.

Incident number five occurred on May 17th, 1987. It occurred on Main Street near Maple Street. The same juvenile male from incident number four was attacked again. The suspect was described as being about the same height as the suspect in the previous incident, pudgy, with a dark looking face, and dark colored clothing. The suspect grabbed the juvenile off of his bicycle. The suspect groped the juvenile's testicles. The juvenile screamed and told the suspect that he had already got him. The suspect fled the area on foot. The suspect left behind a baseball cap which was turned over to police. No statements were made by the suspect. The juvenile victim believed the suspect in this incident was the same person who previously attacked him.

Incident number six occurred on September 20th, 1987. Two juvenile males were approached near 111 Lyndall Ave. The suspect was described as a chubby male 5'7"-5'8", with short chubby legs. The suspect had either painted his face or wore a mask. The juvenile males saw the suspect approaching them, screamed, and ran. The suspect fled on foot without assaulting the juveniles or speaking to them. The juveniles had been at Papa's Pizza earlier in the night.

Incident number seven occurred in the late summer of 1988. It occurred in the woods near the address of 200 West Railroad Ave. A Juvenile male was attacked by a white male with a husky build. The male spoke in a raspy voice and wore panty hose over his face. He also wore camo colored pants and a green army-type jacket with black boots and black gloves. There was a group of juveniles camping together. Two juveniles left the camp to get beverages. The suspect tackled one of the juveniles. The suspect sat on the juvenile, and held a small knife to the juvenile's throat. The juvenile screamed and the suspect said "shut up or I'll kill you". The juvenile fought back and escaped without being harmed or groped.

Incident number eight occurred in the late fall of 1988. It occurred in the vicinity of 512 West Minnesota Street. A juvenile male was on his bicycle delivering papers and had stopped briefly at this location. He was attacked by a white male who was husky and stood approximately 5'6" tall. The suspect was possibly wearing a ski mask, dark colored stocking hat, black shirt, black pants, and black gloves. The suspect ran out from a line of trees in the yard. The suspect knocked the juvenile off of his bicycle. The suspect then fled the area on foot without saying or doing anything further.

At the time all of these incidents took place, Danny James Heinrich primarily resided at the Plaza Hotel, 121 Washburn Ave in the City of Paynesville. These incidents all took place within several blocks of his residence.

On 01/13/1989, the Stearns County Sheriff's Office (SCSO) received a report of a kidnapping and sexual assault which occurred in Munson Township, Stearns County, Minnesota. Law enforcement spoke to a juvenile male (hereinafter), whose name and other identifying information are known to the affiant and are contained in reports relevant to this investigation. was born on and was twelve years old at the time of the alleged kidnapping and sexual assault.

told law enforcement officers that on 01/13/1989, at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring, MN. Approximately three blocks from his home in Cold Spring, was met on the street by an adult white male driving a car. The driver stopped his vehicle and asked words to the effect of "whether he knew where Kraemer lived." As began to respond, the driver exited the vehicle, grabbed , told to get in the car, and forced him into the backseat. The driver re-entered the car and began to drive. He told the car was equipped with child safety locks

As the driver was leaving the area, he instructed to cover his face with his stocking cap and lay down in the back seat. He also told he had a gun and he wasn't afraid to use it. No gun was displayed. complied with the instructions but was able to see he was being driven out of Cold Spring. specifically remembered going past the John Paul Apartment building located in the 200 block of 8th Ave. N. also remembered going up "Bell's Hill" which is Stearns County Road 158. believed they turned onto HWY 23 towards Richmond. was able to look out the left rear window. He saw what he thought was the Richmond ball park, located in Munson TWP. The driver stopped shortly thereafter. looked out and thought he saw the lights of the City of Richmond. believed the driver took exaggerated turns to confuse . During the drive, noticed a "walkie talkie" type handheld radio device with an antenna on the passenger seat. The walkie talkie had gray duct tape on it and was scratched. heard a male voice and a female voice coming from the walkie talkie. The driver shut off the walkie talkie while driving. The entire drive took approximately 10-15 minutes. The driver stopped the car on a gravel road.

The driver got into the backseat with . He instructed to remove snowmobile suit and to pull pants and underwear down. complied out of fear and lowered his pants and underwear to his ankles. The driver lowered his own pants to his ankles. The driver touched penis with his hand. The driver ordered to touch the driver's genital area which did. The driver placed penis into his mouth and then had put his mouth on the driver's penis. complied. later advised he wiped his mouth on his sweatshirt sleeve several times during this incident. The driver ordered to kneel on his hands and knees and spread his legs.

complied and the driver attempted to insert his penis into rectum; however, struggled and the driver was unable to penetrate and eventually stated, "I give up."

The driver returned to the driver's seat through the center console. The driver took the snowsuit and wiped it off with a cloth or a mitten. The driver gave the snowsuit back. The driver took pants and underwear and placed them on the front seat. He allowed to put on his snowmobile suit but the driver maintained possession of jeans and underwear. He told if the police got a "lead" on the driver, the driver would "get him after school and shoot him." The driver told he was lucky to be alive. The driver returned towards Cold Spring and had exit the vehicle near Cold Spring. The driver told to roll around in the snow to wipe his snowmobile suit off. He also told to run and not to look back or he would shoot i. The driver kept the pants and under wear that had been wearing. The pants were described as "Lee" brand stonewashed jeans boys regular size 14. The underwear were boys sized 12 or 14. was able to return home and reported the crime to his parents and law enforcement. snowmobile suit, sweatshirt, and t-shirt were all seized as evidence.

described the driver as follows: white male, approximately thirties in age; approximately 5'6"-5'7"; weighing approximately 170 pounds; with dark brown mid-length hair; brown eyes; fat ears that stuck out; a fat nose; bushy eyebrows; rough, wrinkled skin, darker complected with dark hair; broad neck and thick shoulders; rough, short, thick hands; a pudgy "beer belly" stomach, crooked bottom teeth like "cheese teeth", and a deep raspy voice. The driver also had an indentation of a ring on his right ring finger. He was wearing a brown baseball cap with unknown lettering; a dark-colored zip up vest; camonflage fatigues; black Army boots, and a military-style watch. On 12/13/1989 met with FBI agents to create an artists rendering of the driver. (See appendix A, attached hereto and incorporated herin, for a copy of the artists rendering and a copy of a photograph of Danny James Heinrich from 1990).

described the car as follows: a dark blue four-door automatic transmission passenger car with a luggage rack on the trunk; blue cloth interior with dark blue leather or vinyl interior trim, and front bucket seats. believed the shifter was in the center console area. The car smelled "new." (See appendix B, attached hereto and incorporated herin, for a copy of eight photographs of the Mercury Topaz Danny Heinrich owned in January 1989).

On 01/16/1989, SCSO Deputy Zieglmeier telephoned SCSO Detective Doug Pearce and indicated he had information regarding a possible suspect in the kidnapping and assault of Deputy Zieglmeier identified the possible suspect as Danny James Heinrich, born 03/21/1963, of Paynesville, MN. Officer Zieglmeier advised Heinrich drove a 1987 dark blue Mercury Topaz, 4-door with a light blue interior bearing Minnesota license plate #086CEZ. Deputy Zieglmeier re-contacted Detective Pearce early that afternoon to advise Heinrich was currently in either the National Guard or Army Reserves and was observed on a regular basis wearing military fatigues.

Based on Your Affiant's review of documents and photographs, Danny James Heinrich's physical description in the late 1980's was as follows: white male; born 03/21/1963; 5'5"; 160 pounds, brown hair, and brown eyes.

On 01/17/1989, Detective Pearce displayed to a photographic lineup consisting of six photographs of males with similar builds and characteristics. This photo line-up included a then current photograph of Danny James Heinrich. Upon viewing the lineup, indicated the picture of Danny James Heinrich and a picture of another male somewhat resembled the person who kidnapped and sexually assaulted him on 01/13/1989.

On 01/17/1989, Detective Pearce confirmed Danny Heinrich was a member of the Willmar National Guard.

On 01/18/1989, Detective Pearce and Detective L. Leland observed a 1987 dark blue 4-door Mercury Topaz bearing Minnesota license plate #086CEZ at Master Mark Plastics where Danny Heinrich was employed. Detective Pearce and Detective Leland observed the interior of the car appeared to be gray-colored. There was no luggage rack on the trunk.

Subsequently, on 10/22/1989, the SCSO received the report of a kidnapping which occurred in St. Joseph Township, Stearns County, MN. and male juveniles whose names and other identifying information are known to Your Affiant, told SCSO law enforcement officers at approximately 9:15 pm, they were in the company of Jacob Erwin Wetterling, age 11. A masked male subject approached the boys, on foot, with a handgun in the area of 29748 91st Avenue, St. Joseph Township. He ordered them into the ditch. He asked the boys how old they were.

They told him their ages. . He then ordered and to run and not to look back or he would shoot them. Jacob Wetterling was led away by the masked male and has never been located. and reported they did not see any vehicles when the confrontation took place. Jacob Wetterling was last seen wearing a red hockey team jacket with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back. He was also wearing blue sweat pants, a blue mesh jersey, boys white tube socks, white boys underwear, a red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. The number "11" and the name "Wetterling" is on the back. He was also wearing an orange traffic vest with silver trim, and black drawstrings on each side. He was wearing boys Nike high top tennis shoes size 5, that were white with a grey Nike swoosh on the side and Nike written on the bottoms.

The masked male was described as follows: adult; approximately 5'9"-5'10"; approximately 180 pounds, and a low rough voice as if he had a cold. He was wearing a smooth, nylon-type mask to cover his face; dark coat, dark pants, and dark shoes. He had a silver colored handgun.

Shoe prints and tire impressions were discovered by law enforcement in the gravel driveway at 29748 91st Avenue, St. Joseph, MN. These shoe prints and impressions were approximately 75 yards away from the location where and Jacob Wetterling were initially confronted and 300-400 yards away from the woods that and were told to run to. Cast impressions and photographs were obtained of the shoe prints and tire impressions. One set of shoe prints looked to be similar to the Nike shoes Jacob Wetterling was wearing on 10/22/1989.

On 12/16/1989, following the suspected kidnapping of Jacob Wetterling, Danny Heinrich was interviewed by two FBI Agents. He advised he had been arrested twice for Burglary and also for Driving While Intoxicated (DWI). He belonged to the Army National Guard in Wilmar, MN. He could not recall where he was on 01/13/1989 nor could he recall where he was on 10/22/1989; however, he offered he could have been washing clothes or visiting a friend on 10/22/1989. From the fall of 1988 through November 1989, Heinrich continued to live at 121 Washburne Av in Paynesville. He moved out in November 1989. He moved to his father's residence 16021 CR 124 in Paynesville TWP. Prior to February 1989, Heinrich split time staying at his mother's residence at 121 Washburne Ave and his father's residence at 16021 CR 124. Since 06/1989, he had been driving a light/medium blue 1982 Ford EXP bearing Minnesota license plate #188AOB. The 1982 Ford EXP had Sears Response Superguard rear tires. Prior to 07/1989, he indicated he drove a 1975 gray Ford Grenada which he sold to his mother. He denied wearing camouflage clothes or Army boots other than when on guard duty as it was stressed guards were not to wear Army clothes or Army-related clothes while off duty. He denied any knowledge regarding the abductions of or Jacob Wetterling.

On 01/08/1990, Paynesville Police Chief Robert Schmiginsky advised the Wetterling investigators that Paynesville had a year of molestation episodes. Chief Schmiginsky believed Danny Heinrich should be considered a suspect in the molestations. Several incidents of an unknown adult male groping or chasing juvenile males were reported to Paynesville law enforcement from approximately 09/1986-09/1987. No arrest(s) were ever made in connection to the reports. (Those and additional incidents are summarized ante at pgs 1-3 and 1-4).

On 01/12/1990, Heinrich was re-interviewed by law enforcement. He indicated the tennis shoes he was wearing at the interview were the only tennis shoes he owns and were purchased at Sears. The shoes had been purchased approximately one year prior to the interview. Heinrich voluntarily provided his tennis shoes to law enforcement officers. On 01/15/1990, Heinrich voluntarily authorized law enforcement officers to remove the rear tires from his 1982 blue Ford EXP bearing Minnesota license plate #188-AOB. He informed police that he purchased the EXP in September 1989. (see Appendix C, attached hereto and incorporated herein, for photographs of the EXP owned by Danny Heinrich in 1990).

On 01/15/1990, Detective Pearce obtained and reviewed documentation indicating the four-door 1987 Mercury Topaz, blue exterior/blue interior, automatic transmission, vehicle identification number (VIN) 2MEBM36X8HB64633, bearing Minnesota license plate #086CEZ, was purchased on 03/10/1988 by Danny Heinrich. On the purchasing contract, Heinrich's home address was listed as 121 Washburne Avenue, Paynesville, MN. Detective Pearce also received and reviewed documentation the vehicle was repossessed from Heinrich on 03/15/1989. Detective Pearce telephonically contacted the then current owners of the Topaz who voluntarily drove the car to Detective Pearce on 01/16/1990.

On 01/16/1990, [redacted] sat inside the 1987 Mercury Topaz and examined the vehicle. [redacted] said the Topaz "feels like" the car he was in and he "wouldn't change a thing" about the interior. On a scale of 1 to 10 (with 10 being most similar) the Mercury Topaz was an "8 or possibly a 9" as being similar to the car in which he had been kidnapped and sexually assaulted. (Photographs of the Topaz taken on 1/16/1990 are attached in Appendix B).

On 01/18/1990, back seat carpet and seat samples were obtained by Detective Pierce from the 1987 Mercury Topaz, VIN 2MEBM36X8HB646334. Those samples were retained by law enforcement. On 02/09/1990, the FBI Laboratory verbally indicated a "synthetic fiber found on [redacted] snowmobile suit exhibited the same microscopic and optical properties as the fibers in the composition of the seat samples obtained on 01/18/1990 from the 1987 Mercury Topaz owned by Danny Heinrich in January 1989. On 03/05/1990, the FBI Laboratory provided a written document which stated "a gray synthetic fiber found on the snowmobile suit exhibited the same microscopic characteristics and optical properties as the fibers in the seat sample from the 1987 Mercury Topaz and, accordingly, is consistent with having originated from the same source."

On 01/23/1990, SCSO obtained a search warrant for Danny Heinrich's father's (Howard Heinrich) residence at 16021 County Road 124, Paynesville, MN. According to a family member, Danny Heinrich moved from his mother's apartment at 121 Washburne Avenue, Paynesville, MN in October 1989 and was living with his father at 16021 County Road 124, Paynesville.

On 01/24/1990, law enforcement officials conducted a search of the residence at 16021 County Road 124, Paynesville, MN. The following items were seized: One black portable scanner carrying case; lists of scanner frequencies and operating manuals; one pair black lace up boots; two brown caps; one "Radio Shack" scanner frequency book; one shirt and pair of trousers (both camouflage); one past due loan payment in the name of "Danny Heinrich" and one pay stub from Fingerhut Corporation dated 10/08/1989 in the name of "Danny Heinrich"; one vest; one handheld Regency programmable scanner; one six channel Regency scanner. (See Appendix D, attached hereto and incorporated herin, for a nine page copy of the search warrant affidavit and inventory).

During the search, Danny Heinrich was re-interviewed. He still could not remember where he was on Sunday 10/22/1989 but his best guess was he was at home at his former apartment at 121 Washburne Ave #24 in Paynesville. Per Heinrich, his Sundays were usually spent driving around Paynesville, washing clothes, or watching a movie. He was "mostly by himself." He could not locate any receipts or paperwork which could provide him an alibi but he stated he was not in St. Joseph, MN at any time that weekend. He was not working and was unemployed. After consulting his records, his last day of work at Fingerhut Corporation was 10/08/1989 and he was unemployed until 11/12/1989 when he started at North Star Mailing in St. Cloud, MN. He moved out of his apartment at the Plaza Hotel in Paynesville on 11/30/1989 and moved into his father's basement. Investigators noted Heinrich's bottom teeth had black spots in the front and he advised he chewed tobacco for many years. During a search of one of Heinrich's locked trunks, he produced six photographs. Three of the photographs were school-type photos of children with the last name, "Wurm." Heinrich stated he obtained the photos while he was at the Willmar Regional Treatment Center (WRTC) and the children depicted were from the Twin Cities area of Minnesota, but he had met them while they were at the WRTC Adolescent Treatment Unit. Investigators were able to confirm that Danny James Heinrich was a patient at WRTC. The other photos depicted a male child coming out of the shower with a towel wrapped around himself, a male child in his underwear, and an additional photo of three fully clothed children. Reports did not indicate any age range for the children in the photographs. Heinrich objected to law enforcement officers seizing the photographs because "they just didn't look right". The photographs were not seized. In subsequent interviews, Heinrich stated that he burned the photos. He told officers the photos "looked bad" and were "no kind of pictures to have anyway."

On 01/25/1990, Heinrich was re-contacted by FBI SA Eric D. Odegard at his residence. His father, Howard Heinrich, was also present. Heinrich volunteered to appear at the SCSO to retrieve the two rear tires for his 1982 Ford EXP. He also agreed to appear in a physical lineup. On 01/26/1990, a physical lineup of six white males, including Danny Heinrich, was conducted. [redacted] could not identify any of the males as being the individual who kidnapped and sexually assaulted him. [redacted] said one of the participants and Danny Heinrich were similar to his kidnapper based on build, chest, and stomach. [redacted] indicated the one of the participants was a "7" on a scale of one to ten and Danny Heinrich was a "4" in similarity to his kidnapper.

On 01/26/1990, Jacob Wetterling Investigators were verbally advised by the FBI Laboratory that the tires provided by Heinrich were consistent with but not an exact match of the tire impressions left at the scene of the Wetterling kidnapping. It was determined the Sears Superguard Response tread design was consistent with the tire impressions at the scene and the tire size was also consistent with measurements obtained of the tire impression at the crime scene. On 04/13/1990, FBI Laboratory examiner David Attenberger submitted a written report regarding shoe print impressions from the scene of the Wetterling kidnapping and compared them to Heinrich's shoes taken on 1/12/1990. Attenberger concluded that "due to lack of sufficient detail in the submitted questioned shoe impression," it could not be determined whether the right shoe impression at the scene was made by Heinrich's right shoe. However the shoe impression at the scene "corresponds in design" to Heinrich's right shoe. Attenberger also compared the tire impressions from the Wetterling crime scene to the tires taken on 1/25/1990 from Danny Heinrich's car and concluded the tires tread pattern was "consistent with the tire impressions found at the Wetterling crime scene." (See appendix E, attached hereto and incorporated herein, for copies of the photographs of the shoes, tires, shoe prints, and tire marks.)

On 02/05/1990, James Martin Wurm, was interviewed by FBI SA Odegard. Wurm said his sister is Arlene Jude of Paynesville, MN. Wurm and his wife had five boys aged 22 to 11. His sons, Leroy and Lloyd, would often stay at the Jude residence in Paynesville. Wurm recalled a juvenile named Tommy Heinrich playing football with his boys. Tommy Heinrich was 17 years old at the time of the interview. Wurm was shown a photograph of Danny Heinrich and stated Danny Heinrich would often accompany Tommy Heinrich to the Jude residence but would not play football with the kids. Wurm advised the Jude home had been burglarized five or six years earlier and had again been recently burglarized and set on fire in approximately 11/1989. Wurm provided a photograph of Lloyd and Leroy Wurm taken in 1980. FBI SA Odegard noted the photographs looked similar to photographs he had observed in Danny Heinrich's possession on 01/24/1990.

On 02/09/1990, Danny Heinrich was arrested on probable cause for the kidnapping and sexual assault of JNS. Heinrich stated emphatically he was not guilty, that he was being framed, and that he was not going to talk to the interviewing agents. Heinrich re-stated he was innocent and he invoked his right to an attorney. Heinrich was later released without being charged. All property seized during the search warrant executed on 01/24/1990 was released to Heinrich on 02/08/1991.

On 07/18/2012, a Minnesota Bureau of Criminal Apprehension (BCA) Report on the Examination of Physical Evidence (laboratory report number S890-1699, report #40), indicated a DNA profile was obtained from snowmobile suit (item 46), sweatshirt (item 47), and shirt (item 48).

DNA analysis was performed on those samples as well as on a known DNA sample from [redacted]. The DNA profiling results indicated a sample obtained from the right wrist of [redacted] sweatshirt (item 47-5) contained a "mixture of two or more individuals." [redacted] could not be excluded as being a possible contributor. The unidentified predominant male DNA profile did not match [redacted]; however, "it is estimated 99.5% of the general population could be excluded from being contributors." Samples which contained a mixture of two or more individuals were also obtained from the center chest of the snowsuit, the neck of the sweatshirt, and the chest of the sweatshirt. The partial predominant male DNA profile obtained from the neck of the sweatshirt and the chest of the sweatshirt matched [redacted].

On 03/05/2014, a BCA lab report (Laboratory number S890-1699, report number 44) indicated DNA profiling was performed on a sample collected from the baseball hat collected following an attack in Paynesville, MN on 05/17/1987 (item 75). DNA results indicated a mixture of three or more unknown individuals was present.

On 1/12/1990, Danny James Heinrich voluntarily provided body hair samples to Detective Steve Mund and SA Pete Cunningham of the FBI. SA Cunningham delivered those samples to the FBI lab for comparison. These samples were placed under glass slides and mark K1 and K2 for identification and have been retained by law enforcement.

On 5/12/2015, Your Affiant presented slides K1 and K2 to the BCA trace evidence unit. The trace evidence unit examined the hair slides and deemed them suitable for nuclear DNA testing. They were forwarded to the Biology section for further testing. On 7/10/2015, Your Affiant received a report regarding the examination of the hair samples. (Laboratory number S890-1699, report number 49). The report stated there was a "mixture of two or more individuals" on the right wrist of [redacted] sweatshirt (item 47-5). The "predominant male DNA profile matches [redacted]."

Danny James Heinrich. The predominant profile would not be expected to occur more than once among unrelated individuals in the world population. "

The DNA of Danny James Heinrich was also compared to the blue baseball cap that was recovered after an incident in 1987 in Paynesville. The hat contained a "mixture [of DNA] from three or more individuals. Danny James Heinrich could not be excluded from being a possible contributor." "It was estimated that 80.5% of the general population could be excluded from being contributors." (Laboratory number S890-1699, report number 49).

On July 28, 2015 the search warrant was executed at Danny Heinrich's residence 55 Myrtle Ave. S. in the city of Annandale, Wright County Minnesota. As result of that search numerous items believed to contain child pornographic images were seized. Danny Heinrich was present during the search and did make some admissions to Stearns County Capt. Pam Jensen and Agent Kenneth McDonald to possessing those items.

On October 26, 2015 after reviewing the items seized in the search warrant, Capt. Jensen and Agent McDonald make contact with Heinrich at his residence to discuss the child pornography. Heinrich admitted that he possessed the child pornography. Investigators also began questioning Heinrich on the disappearance of Jacob Wetterling at which time indicated he did not want to discuss that and wanted legal counsel. Investigators did not arrest Heinrich and left the residence.

On the late evening of October 26, 2015 Heinrich was arrested for possession of child photography and taken into federal custody. The investigation was turned over to federal prosecutors in St. Paul Minnesota. Subsequently Heinrich was charged federally on numerous counts of possession and receipt of child pornography.

On August 30, 2016, law enforcement was provided information from a source of information (SOI), who shall remain anonymous, relative to the investigation of the Wetterling abduction. The SOI has a personal relationship with Danny Heinrich and has regular contact with him.

According to the SOI, on August 30, 2016, the SOI spoke with Heinrich. Heinrich told the SOI that approximately 25 years ago, he buried the physical remains, to include bones and clothing, of Jacob Wetterling in a clandestine grave located at the land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site. The SOI provided a detailed description of where these remains were buried by Heinrich.

Agent McDonald believes these statements to be reliable: The identity of the SOI is known to law enforcement. The SOI is known to be in a position to have directly obtained this information from Heinrich. The SOI knew that this information was going to be provided to law enforcement for the purpose of conducting a search to recover the remains of Jacob Wetterling. The SOI is well aware of the serious adverse consequences of providing false information to law enforcement about this matter. The SOI would have no reason to provide information that would bring negative consequences to Heinrich or to the SOI. According to the SOI, Heinrich was aware that this information would be provided to law enforcement by the SOI.

Items to be searched for:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.

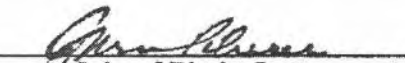
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREFORE, Affiant requests a search warrant be issued, commanding, Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold, (a) peace officer(s), of the State of Minnesota, and all other personnel under your direction and control between the hours of 7:00 a.m. and 8:00 p.m. only to search the hereinbefore described Premises(s), for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

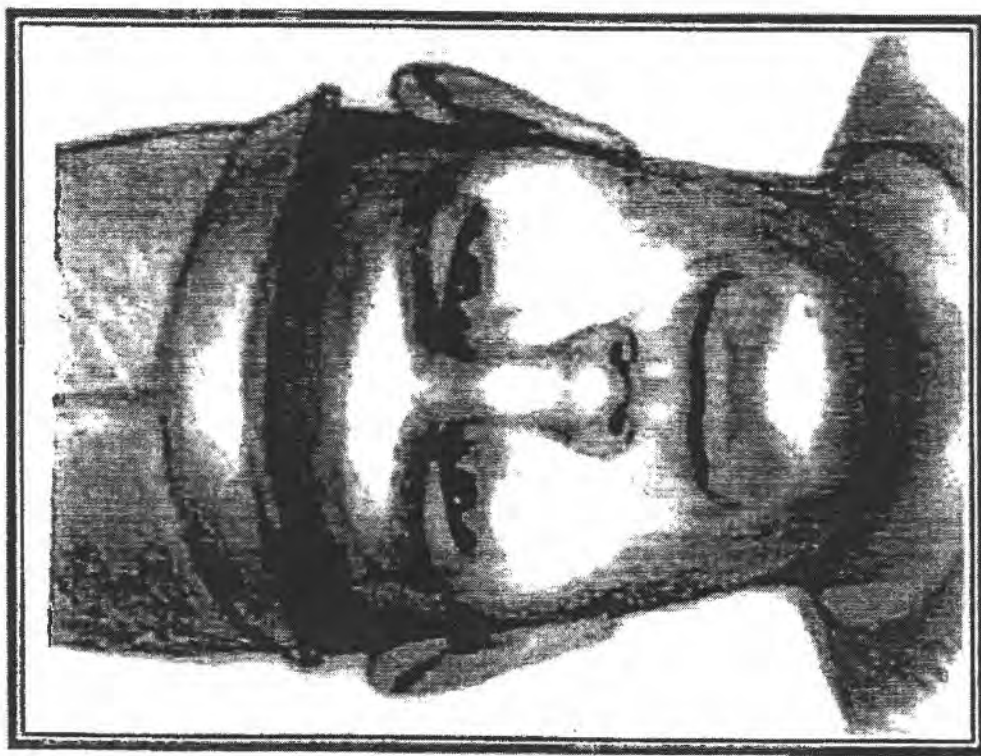

Affiant: Special Agent Kenneth McDonald

Subscribed and sworn to before me this

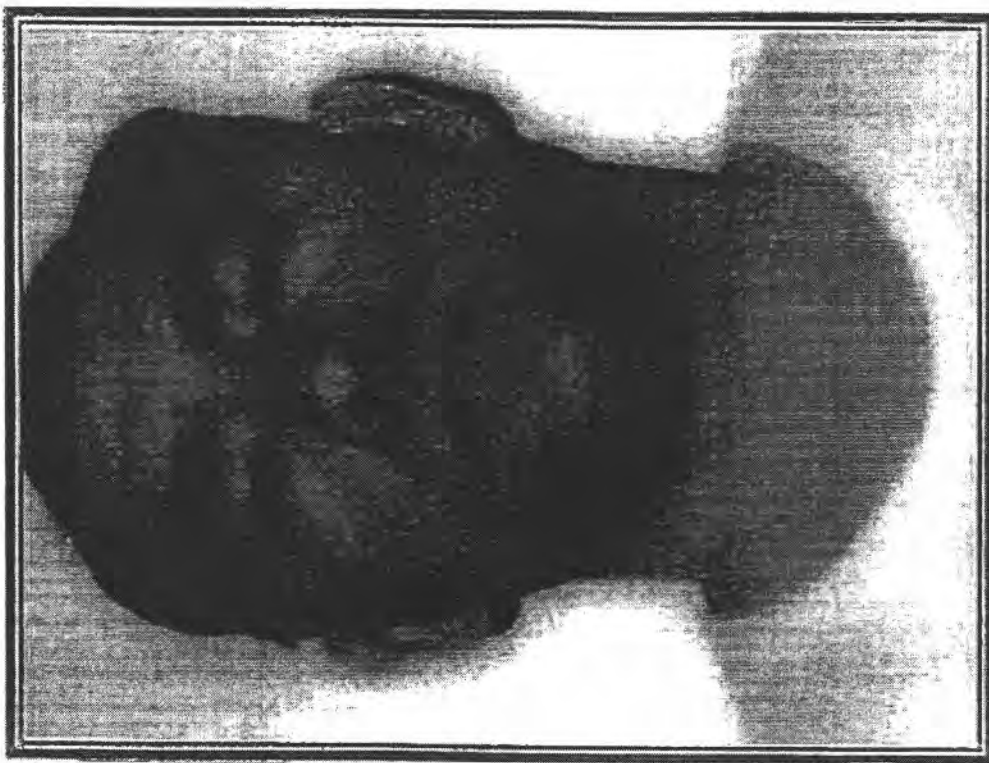
31st day of August, 2016


Judge of District Court

Appendix A



Artist rendering of driver who kidnapped JNS



Danny James Heinrich, DOB 3/21/63
Taken in 1990

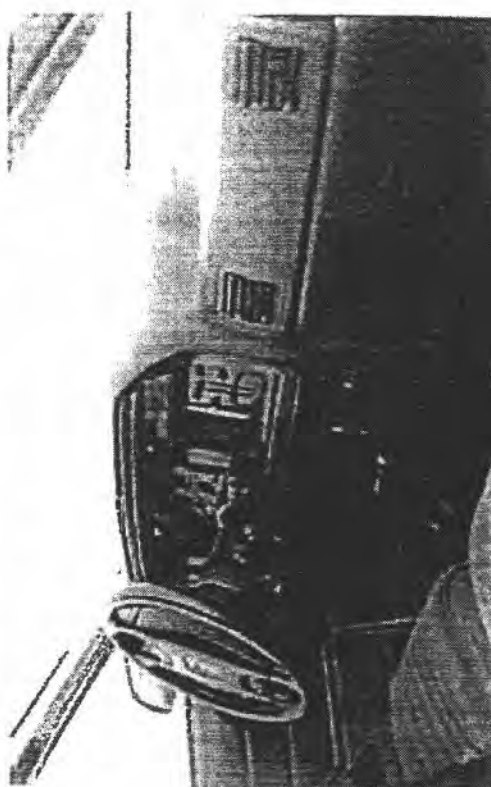
Appendix B

1987 Mercury Topaz

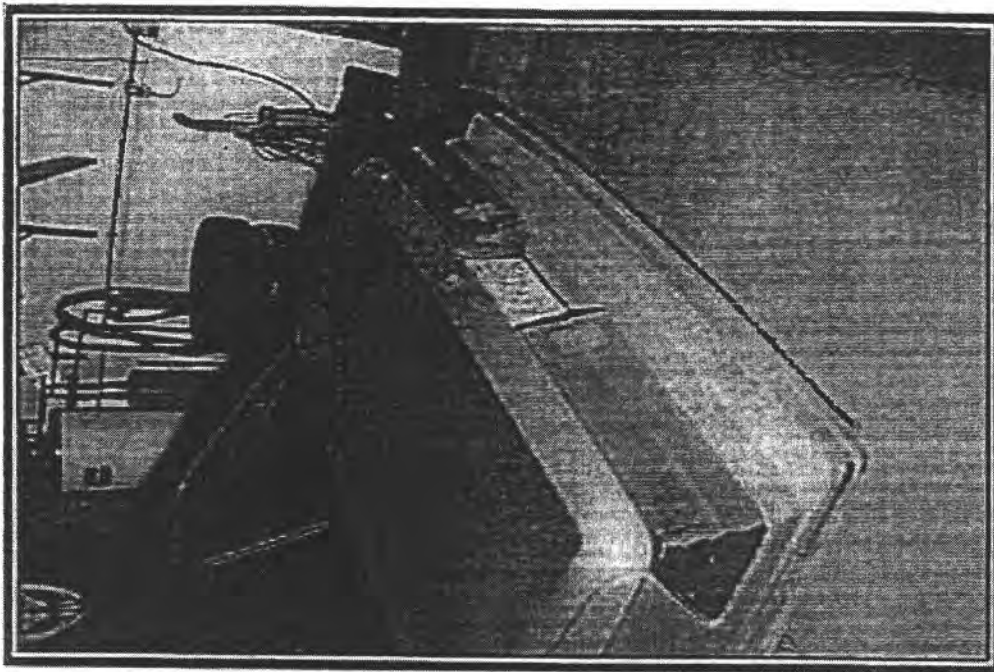
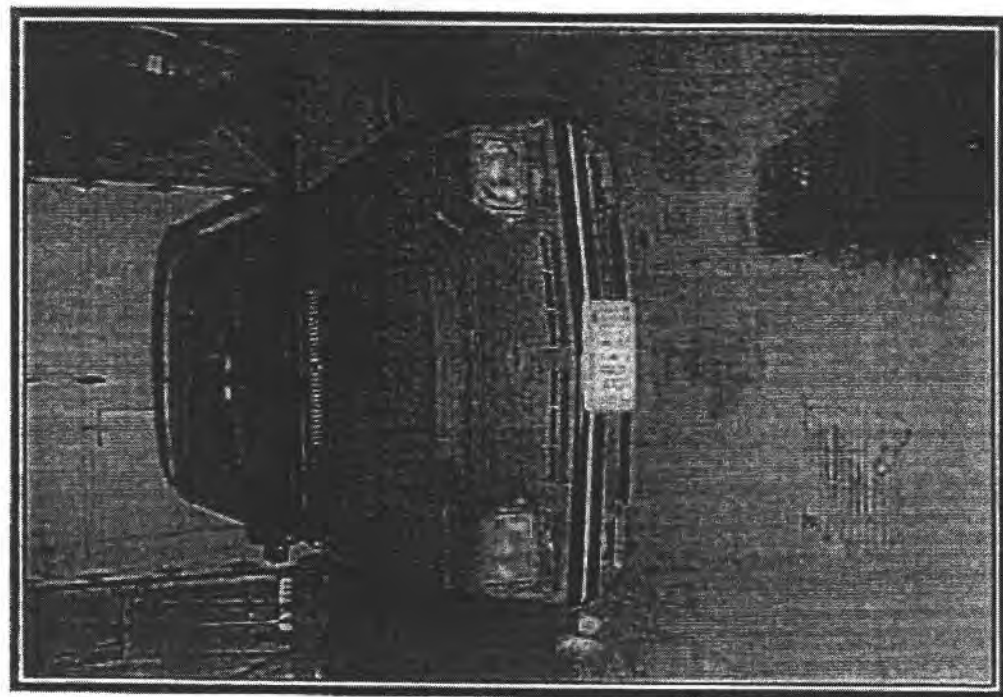


Appendix B

1987 Mercury Topaz

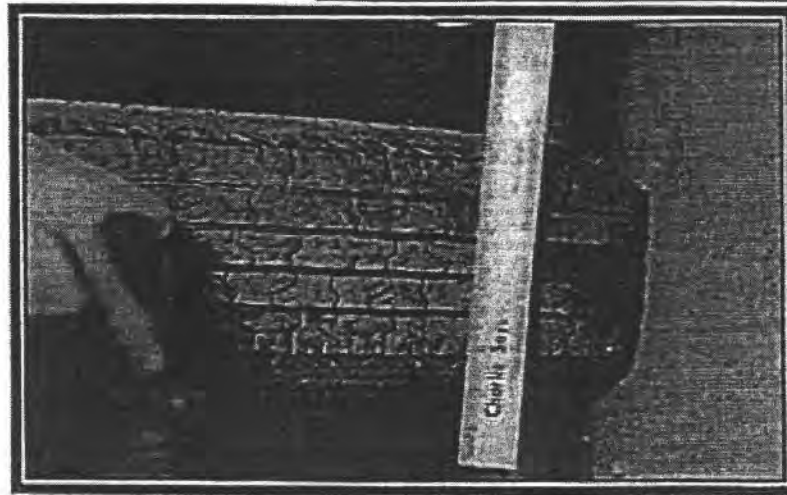
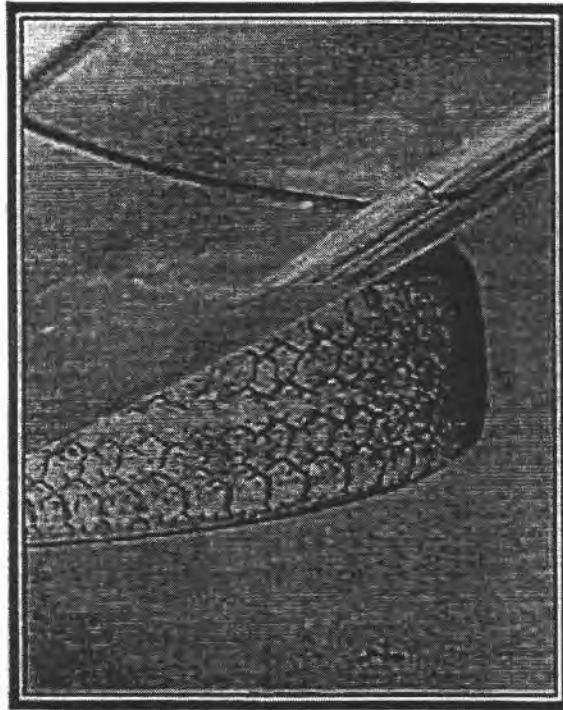
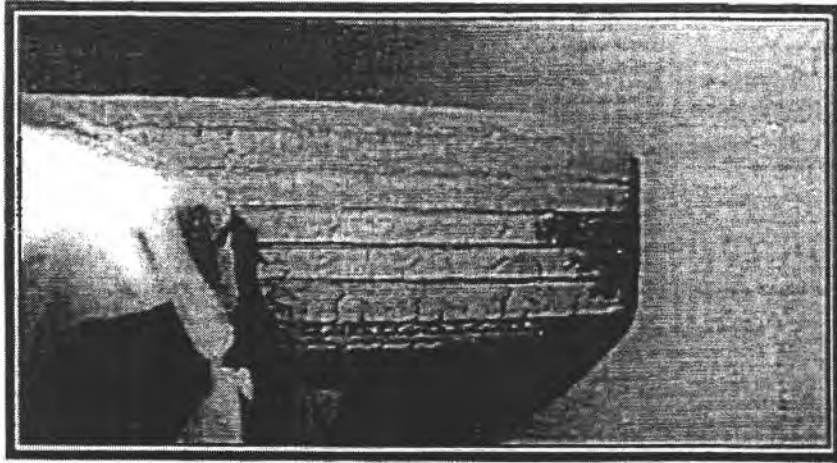


Danny Heinrich's, 1982 Ford EXP



Appendix C

Ford EXP
Superguard Tires



STATE OF MINNESOTA, COUNTY OF _____ COURT

STATE OF MINNESOTA)
COUNTY OF _____) SS.

**APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT**

_____ being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

[Faint, illegible text describing property and things]

(are) (will be)

(at the premises) (in the motor vehicle) (on the person) described as:

[Faint, illegible text describing location and details]

located in the _____ of _____ County of _____ and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. ~~The property above described was stolen or embezzled.~~
2. ~~The property above described was used as a means of committing a crime.~~
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

REPRINTED 8-1-79

It is noted that the SP-4s, Brown and Smith, advised that the
interrogation is being arranged to continue tomorrow. Brown and Smith
advised that a list of names of persons who are believed to be involved in the
plot to assassinate the President, is being compiled. It was also stated that the
interrogation will be held in the morning and the names of the persons
involved will be given. It is noted that the SP-4s, Brown and Smith,
advised that the SP-4s, Brown and Smith, are being held in the
interrogation room and are being held in the interrogation room.

(continued on page 1-3)

Appendix D

APPLICATION 1-2A

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching [redacted] feeling [redacted] penis with his hand. The driver instructed [redacted] to touch the driver's genital area, which [redacted] did. The driver then placed [redacted] penis into his mouth and began to suck on it. After some time, the driver instructed [redacted] to suck on the driver's penis. [redacted] complied, placing the driver's penis inside his mouth. [redacted] noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, [redacted] wiped his mouth on his T-shirt several times. The driver instructed [redacted] to kneel on his hands and knees and spread his legs. [redacted] complied and the driver attempted to insert his penis into [redacted] rectum. [redacted] struggled and the driver was unable to effect entrance. The driver stated, "I give up".

[redacted] stated that the driver then returned to the driver's seat, instructing [redacted] to give the driver [redacted] pants, which were Lee Stonewashed jeans, size Regular 14, and underwear, size 12 or 14. The driver took [redacted] pants and underwear into the front seat and permitted [redacted] to put on his snowmobile suit. The driver then drove [redacted] back toward Cold Spring. While driving, the driver asked whether he had any money. [redacted] stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped [redacted] off near the City of Cold Spring, instructing [redacted] to roll around in the snow in order to wipe his snowmobile suit off. Before permitting [redacted] to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed [redacted] that the driver had a gun. As he dropped [redacted] off, the driver stated that [redacted] could tell what happened, but if the police got a lead on the driver, the driver would "get [redacted] after school and kill [redacted]".

On January 17, 1989, Detective Pearce displayed to [redacted] a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, [redacted] indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8HB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L [redacted]

[redacted] was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence [redacted] sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

and , male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; and told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered and to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

(attach and identify additional sheet if necessary)

A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:

An unannounced entry is necessary (to prevent the loss, destruction or removal of the objects of the search and) to protect the safety of the peace officers) Because:

WHEREFORE, Affiant request a search warrant be issued, commanding which officers, the other in
addition officers under his control and direction, all

(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)

(in the daytime only) (in the daytime or nighttime)

to search the hereinbefore described (premises) (motor vehicle) (person)

for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Subscribed and sworn to before me this

5 day of June 1972

Affiant [Signature]

Judge of [Signature]

Court

APPENDIX D
SEARCH WARRANT

2-1

STATE OF MINNESOTA, COUNTY OF STEARNS INVESTIGATIVE COURT
TO: UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

INVESTIGATIVE (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises) (motor vehicle) (person):

SEE ATTACHED 2-1A

located in the Township of Wadena, county of STEARNS STATE OF MINNESOTA
for the following described property and things: (attach and identify additional sheet if necessary)

SEE ATTACHED 2-1B

WHEREAS, the application and supporting affidavit of Ralph Bookbinder
(was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds: (Strike inapplicable paragraphs)

- ~~1. The property above described was stolen or embezzled.~~
- ~~2. The property above described was used as a means of committing a crime.~~
- ~~3. The possession of the property above described constitutes a crime.~~
- ~~4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~

5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things (are) (are not) (at the above-described premises) (in the above-described motor vehicle) (on the person of _____).

The Court further finds that a night time search is necessary to prevent the loss, destruction, or removal of the objects of such search.

The Court further finds that a search without announcement or authority prior to such search is necessary (to prevent the loss, destruction, or removal of the objects of such search) (to protect the safety of the peace officer).

NOW, THEREFORE, YOU Ralph Bookbinder, and other law enforcement officers under your control and direction, all

THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED (TO ENTER WITHOUT ANNOUNCEMENT OF REASON OR PURPOSE) (IN THE DAYTIME ONLY) (IN THE DAYTIME OR NIGHTTIME) TO SEARCH (THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (THE PERSON OF _____)

FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW) (TO RETURN TO THE POSSESSION OF SAID PROPERTY AND THINGS TO _____).

BY THE COURT:

JUDGE OF District

COURT

Dated 1/23, 1990

Appendix D SEARCH WARRANT 2-1A

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

Appendix- D

SEARCH WARRANT 2-1B

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, , blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys' clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

Appendix

RECEIPT, INVENTORY AND RETURN

3-1

STATE OF MINNESOTA, COUNTY OF Shore District COURT

RECEIPT, INVENTORY AND RETURN

Ralph Becker received the attached search warrant issued by the Honorable Paul W. Dick on Jan 24, 1990 and have executed it as follows:

Pursuant to said warrant, on Jan 24, 1990 at 11:00 o'clock am, I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) 1-121 CR #124, Plymouth MN

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

- ① Black & white carrying case
- ② lots of various magazines and operating manuals
- ③ One pair of black boots
- ④ Two in rest
- ⑤ One various magazine with "Red" "Sobor"
- ⑥ One book in the house "Knowledge"
- ⑦ One book in the house "The Art of War"
- ⑧ One by John Fitzgerald Kennedy "The Art of War"
- ⑨ One book in the house "The Art of War"
- ⑩ One book in the house "The Art of War"
- ⑪ One book in the house "The Art of War"
- ⑫ One book in the house "The Art of War"
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- ㊾ One book in the house "The Art of War"
- ㊿ One book in the house "The Art of War"

I left a receipt for the property and things listed above with a copy of the warrant.

None of the items set forth in the search warrant were found.

I shall (retain) or (deliver) custody of said property as directed by Court order

Ralph Becker, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this

24 day of Jan, 1990

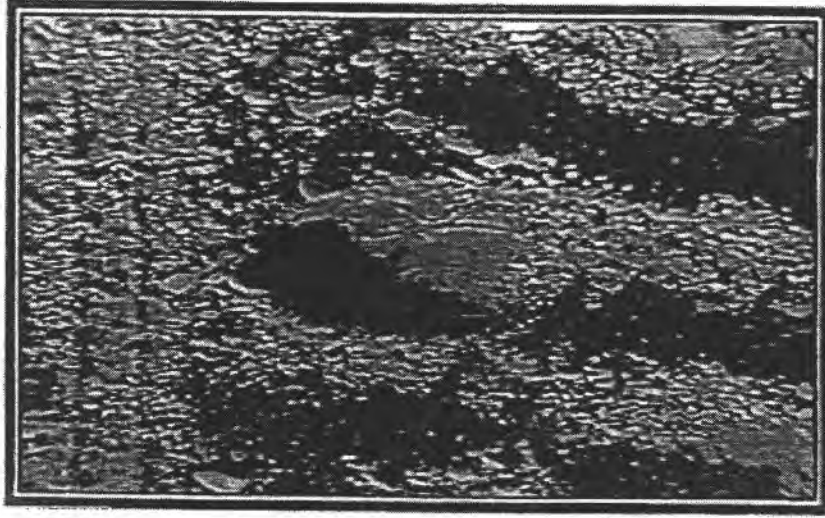
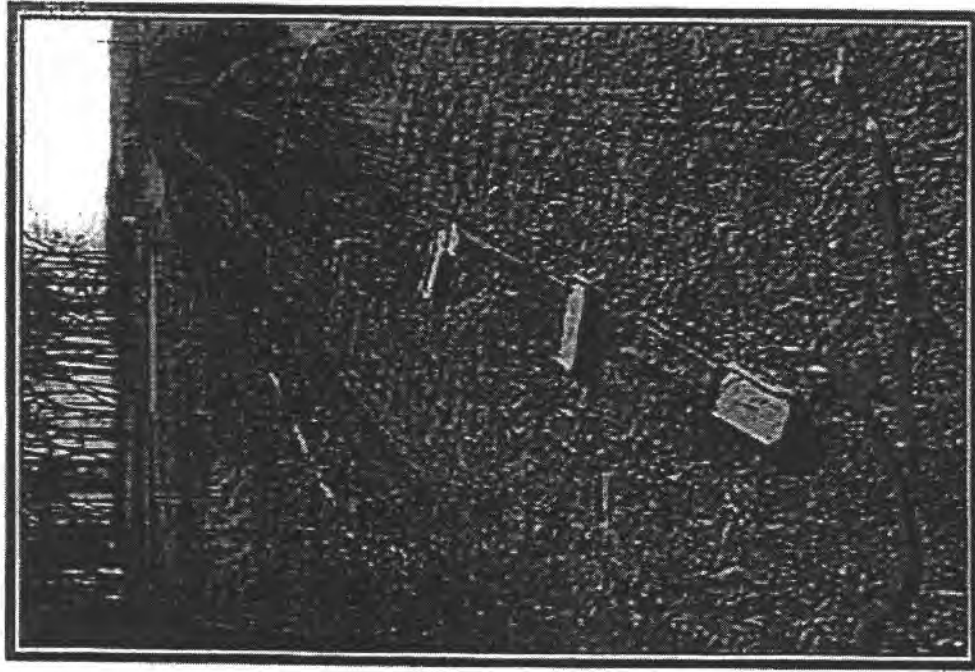
Notary Public, County, Minn.

My commission expires

Ralph Becker
Signature

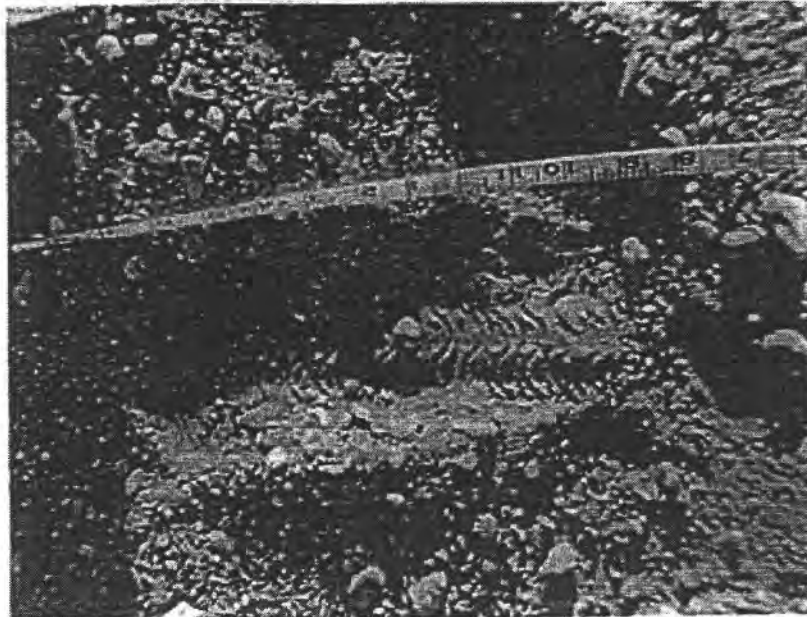
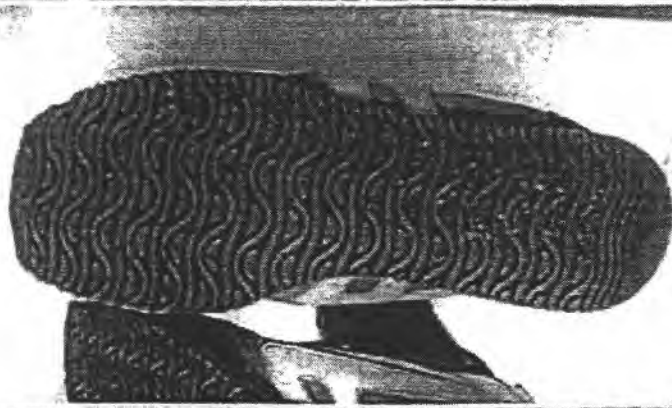
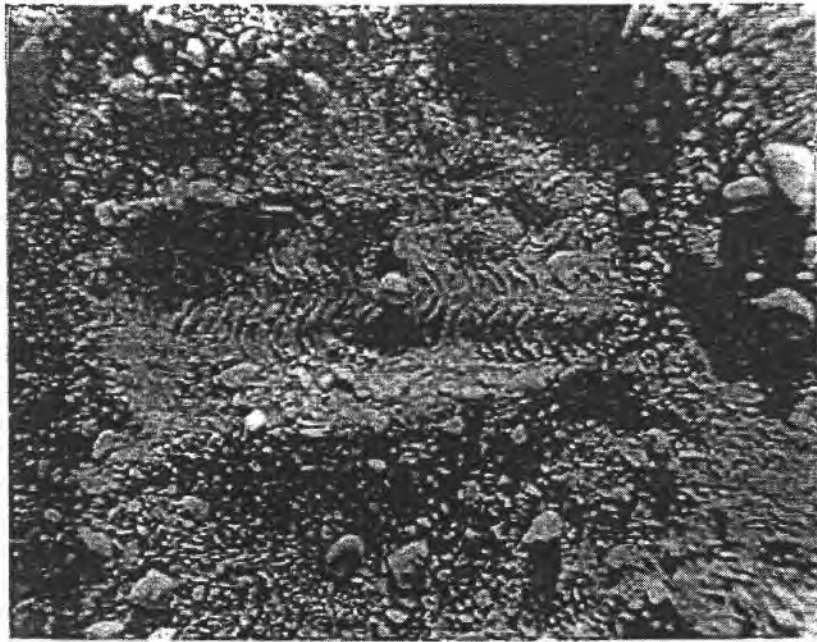
Castings and Footprints from the Wetterling
Abduction Site

Appendix E



Appendix E

Scene Shoe Prints and Heinrich's shoes from
January 1990



SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

TO: Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, SPECIAL AGENT KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Premises:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in PAYNESVILLE TOWNSHIP County of Stearns STATE OF MINNESOTA for the following described property and things:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, composing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball local, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREAS, the application and supporting affidavit of Special Agent Kenneth McDonald was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

NOW, THEREFORE, YOU Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY AUTHORIZED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED PREMISES,

BY THE COURT:

Dated: 8-31-16


JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/231

STATE OF MINNESOTA, COUNTY OF STERANS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth P McDonald , received the attached search warrant issued by the Honorable Scherer, on August 31, 2016 , and have executed it as follows:

Pursuant to said warrant, on August 31, 2016, at 930am, I searched the (premises described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Apparent bones
Red Jacket
Miscellaneous fabric

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016.
-
- I shall (retain) custody of said property as directed by Court order.

I, Kenneth P McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
_____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/232

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

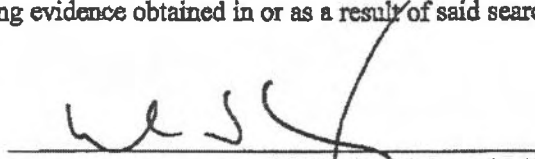
Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling.

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned assistant Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(c)&(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt Inventory, and Return Form, the attached Affidavit of Investigator Kenneth McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, an officer involved in the investigation of activities involving the disappearance and kidnapping of Jacob Erwin Wetterling as referenced in the attached Search Warrant. Said document contains information which, if filed, could cause this search or a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could severely hamper the ongoing investigation regarding the disappearance and kidnapping of Jacob Erwin Wetterling as summarized in the Search Warrant. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches or at any other time the court directs.

Dated:



Michael L. Lieberg, 0269141
Assistant Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sherriff's Office Case No. 15058128

Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling

**AFFIDAVIT OF
INVESTIGATOR KENNETH
MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the police officers involved in the investigation into the disappearance of Jacob Erwin Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt Inventory, and Return Form, this Affidavit of Investigator Kenneth McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause this search or future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

Kenn McDonald
Investigator Kenneth McDonald
Minnesota Bureau of Criminal Apprehension

State of Minnesota)
)ss.
County of Stearns)

Subscribed and sworn to before me this 31st

day of August, 2016, by Kenneth McDonald

Melissa J Dahlberg
Notary Public



4/234

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sherriff's Office Case No. 15058128

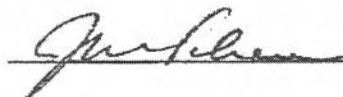
Regarding the Ongoing Investigation regarding
The Disappearance of Jacob Erwin Wetterling

ORDER

Based upon the attached Motion submitted by Assistant Stearns County Attorney Michael J. Lieberg and the Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Investigator Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause this search or future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could create a substantial risk of severely hampering the ongoing investigation into the disappearance of Jacob Erwin Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: 8-31-16



Judge of District Court

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

STATE OF MINNESOTA)

) SS.

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT.

COUNTY OF STEARNS

Special Agent Kenneth McDonald, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, to install, monitor, and maintain a mobile tracking device, hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

Affiant seeks permission to search the premises described as:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in the PAYNESVILLE TOWNSHIP, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant, Special Agent Kenneth McDonald is presently an agent with the Minnesota Bureau of Criminal Apprehension. Agent McDonald has 26 years of felony level investigative experience. The last 19 years agent McDonald has been assigned to the homicide unit within Minnesota BCA. Agent McDonald has a Master's degree in criminal justice and is a Police Forensic Pathologist Specialist. During that time, Your Affiant has drafted and executed numerous search warrants. Those warrants have resulted in the collection of evidence and the recovery of property. They have also lead to successful prosecution of offenders. This affidavit is made in support of a warrant to search PAYNESVILLE TOWNSHIP, County of Stearns, State of Minnesota. Based on review of reports and personal knowledge, Your Affiant believes the following to be true.

The City of Paynesville, County of Stearns had several incidents from 1986 through 1988 where juvenile males where assaulted and/or sexually assaulted in various locations throughout the city. The juvenile males ranged in age from twelve to sixteen years old. All of the juvenile males listed below have been fully identified and their names are contained in police reports.

Incident number one occurred in August of 1986. A juvenile male was attacked in an alley behind Papa's Pizza at 108 West Hoffman St. A husky, white male who was approximately 5'9" with a mud like substance on his face jumped from the bushes, knocked the juvenile off of his bicycle, and struck the juvenile in the nose. The juvenile struck the unknown offender who then fled the area on foot. The suspect didn't say anything.

Incident number two occurred on August 21, 1986. Two juvenile males were leaving Papa's Pizza. A heavy set male who stood approximately 5'6"-5'8" and wore a long sleeve sweater and gloves, attacked one of the juveniles. The suspect hit the juvenile in the back of the head with his hand and knocked him to the ground. The suspect groped the juvenile male's front pockets. As the second juvenile male approached, the suspect fled the area on foot. The suspect didn't say anything.

Incident number three occurred on November 30th, 1986. A juvenile male was attacked in the vicinity of 603 Augusta Ave. A heavy set male, wearing a nylon windbreaker came out of the bushes in the alley. The suspect put his hand over the juvenile male's mouth and dragged him into some trees. The suspect told the juvenile not to speak or the juvenile would be killed. The suspect spoke in a "low, static filled" voice. There was also a strong odor of cigarette smoke on the suspects' hands. The suspect rubbed the juvenile male's testicles both over and under his clothing. The suspect removed the juvenile male's stocking hat and cut off some of his hair with a jagged edged knife. The suspect asked the juvenile male's name and age. Once the attack was over, the suspect told the juvenile to "keep laying down for five minutes or I'll blow your head off". The attacker kept possession of the juvenile male's brown and tan stocking cap and hair. The hat was trimmed with the letter "T" and the symbol for a heart repeated all the way around the hat.

Incident number four occurred on February 14th, 1987. The attack occurred in the stairwell of an apartment building at 122 West James St. A juvenile male was attacked by a heavy set male who was approximately 5'6" tall wearing a dark colored quilted jacket with mask covering his face. The juvenile had been at Papa's Pizza earlier in the evening. The suspect grabbed the juvenile and threw him down the steps. The juvenile began to scream. The suspect told the juvenile to keep quiet or he would kill the juvenile. The suspect groped the juvenile's penis and testicles both over and under his clothing. The suspect spoke in a deep low whisper. The suspect asked the juvenile what grade he was in. The suspect told the juvenile not to move or he would kill him. The suspect took the juvenile's wallet and left the area on foot.

Incident number five occurred on May 17th, 1987. It occurred on Main Street near Maple Street. The same juvenile male from incident number four was attacked again. The suspect was described as being about the same height as the suspect in the previous incident, pudgy, with a dark looking face, and dark colored clothing. The suspect grabbed the juvenile off of his bicycle. The suspect groped the juvenile's testicles. The juvenile screamed and told the suspect that he had already got him. The suspect fled the area on foot. The suspect left behind a baseball cap which was turned over to police. No statements were made by the suspect. The juvenile victim believed the suspect in this incident was the same person who previously attacked him.

Incident number six occurred on September 20th, 1987. Two juvenile males were approached near 111 Lyndall Ave. The suspect was described as a chubby male 5'7"-5'8", with short chubby legs. The suspect had either painted his face or wore a mask. The juvenile males saw the suspect approaching them, screamed, and ran. The suspect fled on foot without assaulting the juveniles or speaking to them. The juveniles had been at Papa's Pizza earlier in the night.

Incident number seven occurred in the late summer of 1988. It occurred in the woods near the address of 200 West Railroad Ave. A Juvenile male was attacked by a white male with a husky build. The male spoke in a raspy voice and wore panty hose over his face. He also wore camo colored pants and a green army-type jacket with black boots and black gloves. There was a group of juveniles camping together. Two juveniles left the camp to get beverages. The suspect tackled one of the juveniles. The suspect sat on the juvenile, and held a small knife to the juvenile's throat. The juvenile screamed and the suspect said "shut up or I'll kill you". The juvenile fought back and escaped without being harmed or groped.

Incident number eight occurred in the late fall of 1988. It occurred in the vicinity of 512 West Minnesota Street. A juvenile male was on his bicycle delivering papers and had stopped briefly at this location. He was attacked by a white male who was husky and stood approximately 5'6" tall. The suspect was possibly wearing a ski mask, dark colored stocking hat, black shirt, black pants, and black gloves. The suspect ran out from a line of trees in the yard. The suspect knocked the juvenile off of his bicycle. The suspect then fled the area on foot without saying or doing anything further.

At the time all of these incidents took place, Danny James Heinrich primarily resided at the Plaza Hotel, 121 Washburne Ave in the City of Paynesville. These incidents all took place within several blocks of his residence.

On 01/13/1989, the Stearns County Sheriff's Office (SCSO) received a report of a kidnapping and sexual assault which occurred in Munson Township, Stearns County, Minnesota. Law enforcement spoke to a juvenile male (hereinafter _____), whose name and other identifying information are known to the affiant and are contained in reports relevant to this investigation. _____ was born on _____ and was twelve years old at the time of the alleged kidnapping and sexual assault.

_____ told law enforcement officers that on 01/13/1989, at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring, MN. Approximately three blocks from his home in Cold Spring, _____ was met on the street by an adult white male driving a car. The driver stopped his vehicle and asked _____ words to the effect of "whether he knew where Kraemer lived." As _____ began to respond, the driver exited the vehicle, grabbed _____, told _____ to get in the car, and forced him into the backseat. The driver re-entered the car and began to drive. He told _____ the car was equipped with child safety locks.

As the driver was leaving the area, he instructed _____ to cover his face with his stocking cap and lay down in the back seat. He also told _____ he had a gun and he wasn't afraid to use it. No gun was displayed. _____ complied with the instructions but was able to see he was being driven out of Cold Spring. _____ specifically remembered going past the John Paul Apartment building located in the 200 block of 8th Ave. N. _____ also remembered going up "Bell's Hill" which is Stearns County Road 158. _____ believed they turned onto HWY 23 towards Richmond. _____ was able to look out the left rear window. He saw what he thought was the Richmond ball park, located in Munson TWP. The driver stopped shortly thereafter. _____ looked out and thought he saw the lights of the City of Richmond. _____ believed the driver took exaggerated turns to confuse _____. During the drive, _____ noticed a "walkie talkie" type handheld radio device with an antenna on the passenger seat. The walkie talkie had gray duct tape on it and was scratched. _____ heard a male voice and a female voice coming from the walkie talkie. The driver shut off the walkie talkie while driving. The entire drive took approximately 10-15 minutes. The driver stopped the car on a gravel road.

The driver got into the backseat with _____. He instructed _____ to remove _____ snowmobile suit and to pull _____ pants and underwear down. _____ complied out of fear and lowered his pants and underwear to his ankles. The driver lowered his own pants to his ankles. The driver touched _____ penis with his hand. The driver ordered _____ to touch the driver's genital area which _____ did. The driver placed _____ penis into his mouth and then had _____ put his mouth on the driver's penis. _____ complied. _____ later advised he wiped his mouth on his sweatshirt sleeve several times during this incident. The driver ordered _____ to kneel on his hands and knees and spread his legs. _____ complied and the driver attempted to insert his penis into _____ rectum; however, _____ struggled and the driver was unable to penetrate _____ and eventually stated, "I give up."

The driver returned to the driver's seat through the center console. The driver took the snowsuit and wiped it off with a cloth or a mitten. The driver gave the snowsuit back. The driver took pants and underwear and placed them on the front seat. He allowed [redacted] to put on his snowmobile suit but the driver maintained possession of [redacted] jeans and underwear. He told [redacted] if the police got a "lead" on the driver, the driver would "get him after school and shoot him." The driver told [redacted] he was lucky to be alive. The driver returned towards Cold Spring and had [redacted] exit the vehicle near Cold Spring. The driver told [redacted] to roll around in the snow to wipe his snowmobile suit off. He also told [redacted] to run and not to look back or he would shoot [redacted]. The driver kept the pants and underwear that [redacted] had been wearing. The pants were described as "Lee" brand stonewashed jeans boys regular size 14. The underwear were boys sized 12 or 14. [redacted] was able to return home and reported the crime to his parents and law enforcement. snowmobile suit, sweatshirt, and t-shirt were all seized as evidence.

[redacted] described the driver as follows: white male, approximately thirties in age; approximately 5'6"-5'7"; weighing approximately 170 pounds; with dark brown mid-length hair; brown eyes; fat ears that stuck out; a fat nose; bushy eyebrows; rough, wrinkled skin, darker complected with dark hair; broad neck and thick shoulders; rough, short, thick hands; a pudgy "beer belly" stomach, crooked bottom teeth like "cheese teeth", and a deep raspy voice. The driver also had an indentation of a ring on his right ring finger. He was wearing a brown baseball cap with unknown lettering; a dark-colored zip up vest; camouflage fatigues; black Army boots, and a military-style watch. On 12/13/1989 [redacted] met with FBI agents to create an artists rendering of the driver. (See appendix A, attached hereto and incorporated herein, for a copy of the artists rendering and a copy of a photograph of Danny James Heinrich from 1990).

[redacted] described the car as follows: a dark blue four-door automatic transmission passenger car with a luggage rack on the trunk; blue cloth interior with dark blue leather or vinyl interior trim, and front bucket seats. [redacted] believed the shifter was in the center console area. The car smelled "new." (See appendix B, attached hereto and incorporated herein, for a copy of eight photographs of the Mercury Topaz Danny Heinrich owned in January 1989).

On 01/16/1989, SCSO Deputy Ziegemeier telephoned SCSO Detective Doug Pearce and indicated he had information regarding a possible suspect in the kidnapping and assault of [redacted]. Deputy Ziegemeier identified the possible suspect as Danny James Heinrich, born 03/21/1963, of Paynesville, MN. Officer Ziegemeier advised Heinrich drove a 1987 dark blue Mercury Topaz, 4-door with a light blue interior bearing Minnesota license plate #086CEZ. Deputy Ziegemeier re-contacted Detective Pearce early that afternoon to advise Heinrich was currently in either the National Guard or Army Reserves and was observed on a regular basis wearing military fatigues.

Based on Your Affiant's review of documents and photographs, Danny James Heinrich's physical description in the late 1980's was as follows: white male; born 03/21/1963; 5'5"; 160 pounds, brown hair, and brown eyes.

On 01/17/1989, Detective Pearce displayed to [redacted] a photographic lineup consisting of six photographs of males with similar builds and characteristics. This photo line-up included a then current photograph of Danny James Heinrich. Upon viewing the lineup [redacted] indicated the picture of Danny James Heinrich and a picture of another male somewhat resembled the person who kidnapped and sexually assaulted him on 01/13/1989.

On 01/17/1989, Detective Pearce confirmed Danny Heinrich was a member of the Willmar National Guard.

On 01/18/1989, Detective Pearce and Detective L. Leland observed a 1987 dark blue 4-door Mercury Topaz bearing Minnesota license plate #086CEZ at Master Mark Plastics where Danny Heinrich was employed. Detective Pearce and Detective Leland observed the interior of the car appeared to be gray-colored. There was no luggage rack on the trunk.

Subsequently, on 10/22/1989, the SCSO received the report of a kidnapping which occurred in St. Joseph Township, Stearns County, MN. [redacted] and [redacted] male juveniles whose names and other identifying information are known to Your Affiant, told SCSO law enforcement officers at approximately 9:15 pm, they were in the company of Jacob Erwin Wetterling, age 11. A masked male subject approached the boys, on foot, with a handgun in the area of 29748 91st Avenue, St. Joseph Township. He ordered them into the ditch. He asked the boys how old they were. They told him their ages. [redacted] He then ordered [redacted] and [redacted] to run and not to look back or he would shoot them. Jacob Wetterling was led away by the masked male and has never been located. [redacted] and [redacted] reported they did not see any vehicles when the confrontation took place. Jacob Wetterling was last seen wearing a [redacted]

red hockey team jacket with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back. He was also wearing blue sweat pants, a blue mesh jersey, boys white tube socks, white boys underwear, a red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. The number "11" and the name "Wetterling" is on the back. He was also wearing an orange traffic vest with silver trim, and black drawstrings on each side. He was wearing boys Nike high top tennis shoes size 5, that were white with a grey Nike swoosh on the side and Nike written on the bottoms.

The masked male was described as follows: adult; approximately 5'9"-5'10"; approximately 180 pounds, and a low rough voice as if he had a cold. He was wearing a smooth, nylon-type mask to cover his face; dark coat, dark pants, and dark shoes. He had a silver colored handgun.

Shoe prints and tire impressions were discovered by law enforcement in the gravel driveway at 29748 91st Avenue, St. Joseph, MN. These shoe prints and impressions were approximately 75 yards away from the location where and Jacob Wetterling were initially confronted and 300-400 yards away from the woods that and were told to run to. Cast impressions and photographs were obtained of the shoe prints and tire impressions. One set of shoe prints looked to be similar to the Nike shoes Jacob Wetterling was wearing on 10/22/1989.

On 12/16/1989, following the suspected kidnapping of Jacob Wetterling, Danny Heinrich was interviewed by two FBI Agents. He advised he had been arrested twice for Burglary and also for Driving While Intoxicated (DWI). He belonged to the Army National Guard in Willmar, MN. He could not recall where he was on 01/13/1989 nor could he recall where he was on 10/22/1989; however, he offered he could have been washing clothes or visiting a friend on 10/22/1989. From the fall of 1988 through November 1989, Heinrich continued to live at 121 Washburne Av in Paynesville. He moved out in November 1989. He moved to his father's residence 16021 CR 124 in Paynesville TWP. Prior to February 1989, Heinrich split time staying at his mother's residence at 121 Washburne Ave and his father's residence at 16021 CR 124. Since 06/1989, he had been driving a light/medium blue 1982 Ford EXP bearing Minnesota license plate #188AOB. The 1982 Ford EXP had Sears Response Superguard rear tires. Prior to 07/1989, he indicated he drove a 1975 gray Ford Grenada which he sold to his mother. He denied wearing camouflage clothes or Army boots other than when on guard duty as it was stressed guards were not to wear Army clothes or Army-related clothes while off duty. He denied any knowledge regarding the abductions of or Jacob Wetterling.

On 01/08/1990, Paynesville Police Chief Robert Schmiginsky advised the Wetterling investigators that Paynesville had a year of molestation episodes. Chief Schmiginsky believed Danny Heinrich should be considered a suspect in the molestations. Several incidents of an unknown adult male groping or chasing juvenile males were reported to Paynesville law enforcement from approximately 09/1986-09/1987. No arrest(s) were ever made in connection to the reports. (Those and additional incidents are summarized ante at pgs 1-3 and 1-4).

On 01/12/1990, Heinrich was re-interviewed by law enforcement. He indicated the tennis shoes he was wearing at the interview were the only tennis shoes he owns and were purchased at Sears. The shoes had been purchased approximately one year prior to the interview. Heinrich voluntarily provided his tennis shoes to law enforcement officers. On 01/15/1990, Heinrich voluntarily authorized law enforcement officers to remove the rear tires from his 1982 blue Ford EXP bearing Minnesota license plate #188-AOB. He informed police that he purchased the EXP in September 1989. (see Appendix C, attached hereto and incorporated herein, for photographs of the EXP owned by Danny Heinrich in 1990).

On 01/15/1990, Detective Pearce obtained and reviewed documentation indicating the four-door 1987 Mercury Topaz, blue exterior/blue interior, automatic transmission, vehicle identification number (VIN) 2MEBM36X8HB64633, bearing Minnesota license plate #086CEZ, was purchased on 03/10/1988 by Danny Heinrich. On the purchasing contract, Heinrich's home address was listed as 121 Washburne Avenue, Paynesville, MN. Detective Pearce also received and reviewed documentation the vehicle was repossessed from Heinrich on 03/15/1989. Detective Pearce telephonically contacted the then current owners of the Topaz who voluntarily drove the car to Detective Pearce on 01/16/1990.

On 01/16/1990, sat inside the 1987 Mercury Topaz and examined the vehicle. said the Topaz "feels like" the car he was in and he "wouldn't change a thing" about the interior. On a scale of 1 to 10 (with 10 being most similar) the Mercury Topaz was an "8 or possibly a 9" as being similar to the car in which he had been kidnapped and sexually assaulted. (Photographs of the Topaz taken on 1/16/1990 are attached in Appendix B).

On 01/18/1990, back seat carpet and seat samples were obtained by Detective Pierce from the 1987 Mercury Topaz, VIN 2MEBM36X8HB646334. Those samples were retained by law enforcement. On 02/09/1990, the FBI Laboratory verbally indicated a "synthetic fiber found on snowmobile suit exhibited the same microscopic and optical properties as the fibers in the composition of the seat samples obtained on 01/18/1990 from the 1987 Mercury Topaz owned by Danny Heinrich in January 1989. On 03/05/1990, the FBI Laboratory provided a written document which stated "a gray synthetic fiber found on the snowmobile suit exhibited the same microscopic characteristics and optical properties as the fibers in the seat sample from the 1987 Mercury Topaz and, accordingly, is consistent with having originated from the same source."

On 01/23/1990, SCSO obtained a search warrant for Danny Heimlich's father's (Howard Heinrich) residence at 16021 County Road 124, Paynesville, MN. According to a family member, Danny Heinrich moved from his mother's apartment at 121 Washburne Avenue, Paynesville, MN in October 1989 and was living with his father at 16021 County Road 124, Paynesville.

On 01/24/1990, law enforcement officials conducted a search of the residence at 16021 County Road 124, Paynesville, MN. The following items were seized: One black portable scanner carrying case; lists of scanner frequencies and operating manuals; one pair black lace up boots; two brown caps; one "Radio Shack" scanner frequency book; one shirt and pair of trousers (both camouflage); one past due loan payment in the name of "Danny Heinrich" and one pay stub from Fingerhut Corporation dated 10/08/1989 in the name of "Danny Heinrich"; one vest; one handheld Regency programmable scanner; one six channel Regency scanner. (See Appendix D, attached hereto and incorporated herein, for a nine page copy of the search warrant affidavit and inventory).

During the search, Danny Heinrich was re-interviewed. He still could not remember where he was on Sunday 10/22/1989 but his best guess was he was at home at his former apartment at 121 Washburne Ave #24 in Paynesville. Per Heinrich, his Sundays were usually spent driving around Paynesville, washing clothes, or watching a movie. He was "mostly by himself." He could not locate any receipts or paperwork which could provide him an alibi but he stated he was not in St. Joseph, MN at any time that weekend. He was not working and was unemployed. After consulting his records, his last day of work at Fingerhut Corporation was 10/08/1989 and he was unemployed until 11/12/1989 when he started at North Star Mailing in St. Cloud, MN. He moved out of his apartment at the Plaza Hotel in Paynesville on 11/30/1989 and moved into his father's basement. Investigators noted Heinrich's bottom teeth had black spots in the front and he advised he chewed tobacco for many years. During a search of one of Heinrich's locked trunks, he produced six photographs. Three of the photographs were school-type photos of children with the last name, "Wurm." Heinrich stated he obtained the photos while he was at the Willmar Regional Treatment Center (WRTC) and the children depicted were from the Twin Cities area of Minnesota, but he had met them while they were at the WRTC Adolescent Treatment Unit. Investigators were able to confirm that Danny James Heinrich was a patient at WRTC. The other photos depicted a male child coming out of the shower with a towel wrapped around himself, a male child in his underwear, and an additional photo of three fully clothed children. Reports did not indicate any age range for the children in the photographs. Heinrich objected to law enforcement officers seizing the photographs because "they just didn't look right". The photographs were not seized. In subsequent interviews, Heinrich stated that he burned the photos. He told officers the photos "looked bad" and were "no kind of pictures to have anyway."

On 01/25/1990, Heinrich was re-contacted by FBI SA Eric D. Odegard at his residence. His father, Howard Heinrich, was also present. Heinrich volunteered to appear at the SCSO to retrieve the two rear tires for his 1982 Ford EXP. He also agreed to appear in a physical lineup. On 01/26/1990, a physical lineup of six white males, including Danny Heinrich, was conducted. could not identify any of the males as being the individual who kidnapped and sexually assaulted him. said one of the participants and Danny Heinrich were similar to his kidnapper based on build, chest, and stomach. indicated the one of the participants was a "7" on a scale of one to ten and Danny Heinrich was a "4" in similarity to his kidnapper.

On 01/26/1990, Jacob Wetterling Investigators were verbally advised by the FBI Laboratory that the tires provided by Heinrich were consistent with but not an exact match of the tire impressions left at the scene of the Wetterling kidnapping. It was determined the Sears Superguard Response tread design was consistent with the tire impressions at the scene and the tire size was also consistent with measurements obtained of the tire impression at the crime scene. On 04/13/1990, FBI Laboratory examiner David Attenberger submitted a written report regarding shoe print

impressions from the scene of the Wetterling kidnapping and compared them to Heinrich's shoes taken on 1/12/1990. Attenberger concluded that "due to lack of sufficient detail in the submitted questioned shoe impression," it could not be determined whether the right shoe impression at the scene was made by Heinrich's right shoe. However the shoe impression at the scene "corresponds in design" to Heinrich's right shoe. Attenberger also compared the tire impressions from the Wetterling crime scene to the tires taken on 1/25/1990 from Danny Heinrich's car and concluded the tires tread pattern was "consistent with the tire impressions found at the Wetterling crime scene." (See appendix E, attached hereto and incorporated herein, for copies of the photographs of the shoes, tires, shoe prints, and tire marks.)

On 02/05/1990, James Martin Wurm, was interviewed by FBI SA Odegard. Wurm said his sister is Arlene Jude of Paynesville, MN. Wurm and his wife had five boys aged 22 to 11. His sons, Leroy and Lloyd, would often stay at the Jude residence in Paynesville. Wurm recalled a juvenile named Tommy Heinrich playing football with his boys. Tommy Heinrich was 17 years old at the time of the interview. Wurm was shown a photograph of Danny Heinrich and stated Danny Heinrich would often accompany Tommy Heinrich to the Jude residence but would not play football with the kids. Wurm advised the Jude home had been burglarized five or six years earlier and had again been recently burglarized and set on fire in approximately 11/1989. Wurm provided a photograph of Lloyd and Leroy Wurm taken in 1980. FBI SA Odegard noted the photographs looked similar to photographs he had observed in Danny Heinrich's possession on 01/24/1990.

On 02/09/1990, Danny Heinrich was arrested on probable cause for the kidnapping and sexual assault of Heinrich stated emphatically he was not guilty, that he was being framed, and that he was not going to talk to the interviewing agents. Heinrich re-stated he was innocent and he invoked his right to an attorney. Heinrich was later released without being charged. All property seized during the search warrant executed on 01/24/1990 was released to Heinrich on 02/08/1991.

On 07/18/2012, a Minnesota Bureau of Criminal Apprehension (BCA) Report on the Examination of Physical Evidence (laboratory report number S890-1699, report #40), indicated a DNA profile was obtained from snowmobile suit (item 46), sweatshirt (item 47), and shirt (item 48).

DNA analysis was performed on those samples as well as on a known DNA sample from . The DNA profiling results indicated a sample obtained from the right wrist of sweatshirt (item 47-5) contained a "mixture of two or more individuals." could not be excluded as being a possible contributor. The unidentified predominant male DNA profile did not match ; however, "it is estimated 99.5% of the general population could be excluded from being contributors." Samples which contained a mixture of two or more individuals were also obtained from the center chest of the snowsuit, the neck of the sweatshirt, and the chest of the sweatshirt. The partial predominant male DNA profile obtained from the neck of the sweatshirt and the chest of the sweatshirt matched .

On 03/05/2014, a BCA lab report (Laboratory number S890-1699, report number 44) indicated DNA profiling was performed on a sample collected from the baseball hat collected following an attack in Paynesville, MN on 05/17/1987 (item 75). DNA results indicated a mixture of three or more unknown individuals was present.

On 1/12/1990, Danny James Heinrich voluntarily provided body hair samples to Detective Steve Mund and SA Pete Cunningham of the FBI. SA Cunningham delivered those samples to the FBI lab for comparison. These samples were placed under glass slides and mark K1 and K2 for identification and have been retained by law enforcement.

On 5/12/2015, Your Affiant presented slides K1 and K2 to the BCA trace evidence unit. The trace evidence unit examined the hair slides and deemed them suitable for nuclear DNA testing. They were forwarded to the Biology section for further testing. On 7/10/2015, Your Affiant received a report regarding the examination of the hair samples. (Laboratory number S890-1699, report number 49). The report stated there was a "mixture of two or more individuals" on the right wrist of sweatshirt (item 47-5). The "predominant male DNA profile matches Danny James Heinrich. The predominant profile would not be expected to occur more than once among unrelated individuals in the world population."

The DNA of Danny James Heinrich was also compared to the blue baseball cap that was recovered after an incident in 1987 in Paynesville. The hat contained a "mixture [of DNA] from three or more individuals. Danny James Heinrich

could not be excluded from being a possible contributor." "It was estimated that 80.5% of the general population could be excluded from being contributors." (Laboratory number S890-1699, report number 49).

On July 28, 2015 the search warrant was executed at Danny Heinrich's residence 55 Myrtle Ave. S. in the city of Annandale, Wright County Minnesota. As result of that search numerous items believed to contain child pornographic images were seized. Danny Heinrich was present during the search and did make some admissions to Stearns County Capt. Pam Jensen and Agent Kenneth McDonald to possessing those items.

On October 26, 2015 after reviewing the items seized in the search warrant, Capt. Jensen and Agent McDonald make contact with Heinrich at his residence to discuss the child pornography. Heinrich admitted that he possessed the child pornography. Investigators also began questioning Heinrich on the disappearance of Jacob Wetterling at which time indicated he did not want to discuss that and wanted legal counsel. Investigators did not arrest Heinrich and left the residence.

On the late evening of October 26, 2015 Heinrich was arrested for possession of child photography and taken into federal custody. The investigation was turned over to federal prosecutors in St. Paul Minnesota. Subsequently Heinrich was charged federally on numerous counts of possession and receipt of child pornography.

On August 30, 2016, law enforcement was provided information from a source of Information (SOI), who shall remain anonymous, relative to the investigation of the Wetterling abduction. The SOI has a personal relationship with Danny Heinrich and has regular contact with him.

According to the SOI, on August 30, 2016, the SOI spoke with Heinrich. Heinrich told the SOI that approximately 25 years ago, he buried the physical remains, to include bones and clothing, of Jacob Wetterling in a clandestine grave located at the land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site. The SOI provided a detailed description of where these remains were buried by Heinrich.

Agent McDonald believes these statements to be reliable: The Identity of the SOI is known to law enforcement. The SOI is known to be in a position to have directly obtained this information from Heinrich. The SOI knew that this information was going to be provided to law enforcement for the purpose of conducting a search to recover the remains of Jacob Wetterling. The SOI is well aware of the serious adverse consequences of providing false information to law enforcement about this matter. The SOI would have no reason to provide information that would bring negative consequences to Heinrich or to the SOI. According to the SOI, Heinrich was aware that this information would be provided to law enforcement by the SOI.

On August 31, 2016, a search warrant was executed at 27725 Business 23 East, Paynesville, Stearns County. During that search a red nylon jacket preliminarily consistent with the jacket Jacob Wetterling was wearing at the time of his abduction, bone fragments, and teeth were recovered. Later examination by experts determined neither the bones or teeth were human. Heinrich was present at 27725 Business 23 East during execution of the initial search warrant. He provided additional information referencing an initial burial site near where he assaulted and killed Jacob Wetterling. At a later time, approximately a year later, Heinrich moved the remains from the original scene to 27725 Business 23 East. Law enforcement now requests authority to return to 27725 for a more extensive examination.

Items to be searched for:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.

7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREFORE, Affiant requests a search warrant be issued, commanding, Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold, (a) peace officer(s), of the State of Minnesota, and all other personnel under your direction and control between the hours of 7:00 a.m. and 8:00 p.m. only to search the hereinbefore described Premises(s), for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

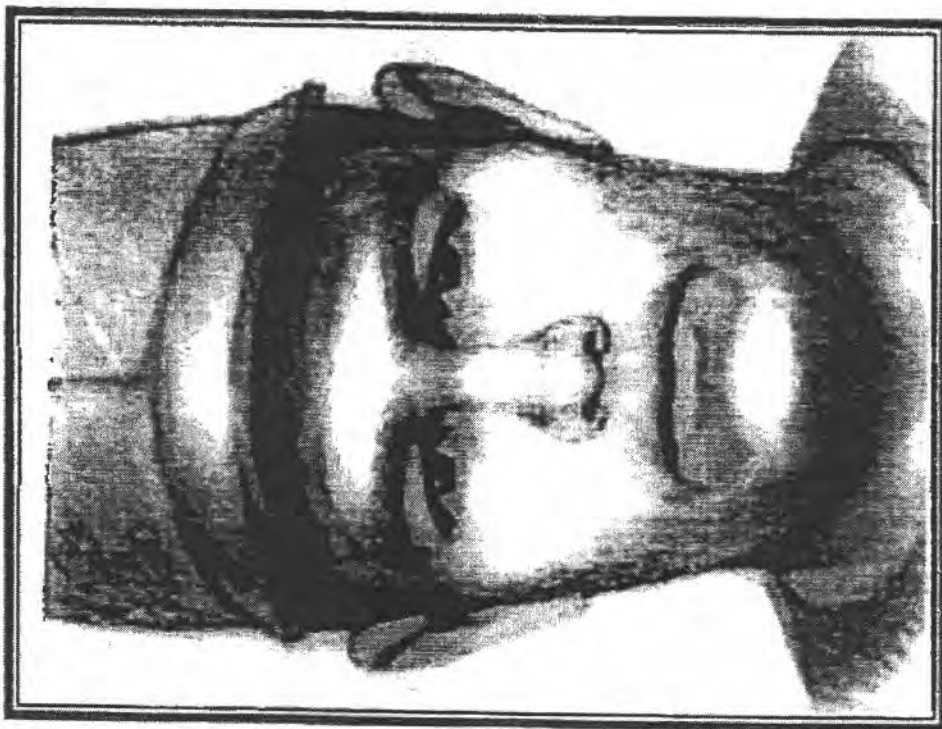

Affiant: Special Agent Kenneth McDonald

Subscribed and sworn to before me this

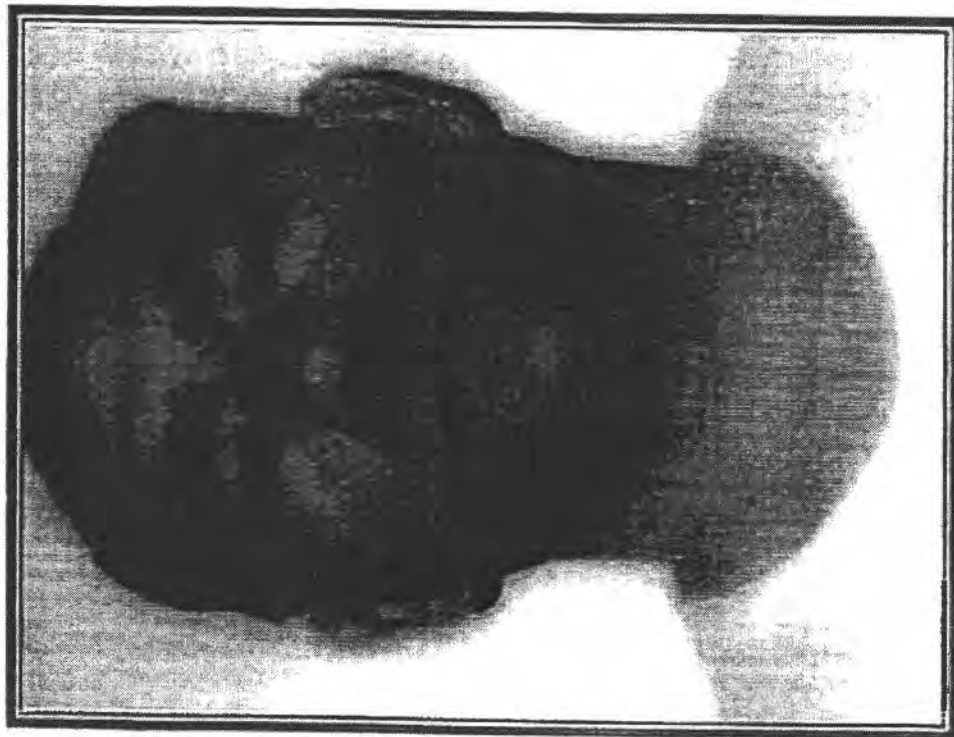
September 2, 2016


Judge of District Court

Appendix A



Artist rendering of driver who kidnapped JNS



Danny James Heinrich, DOB 3/21/63
Taken in 1990

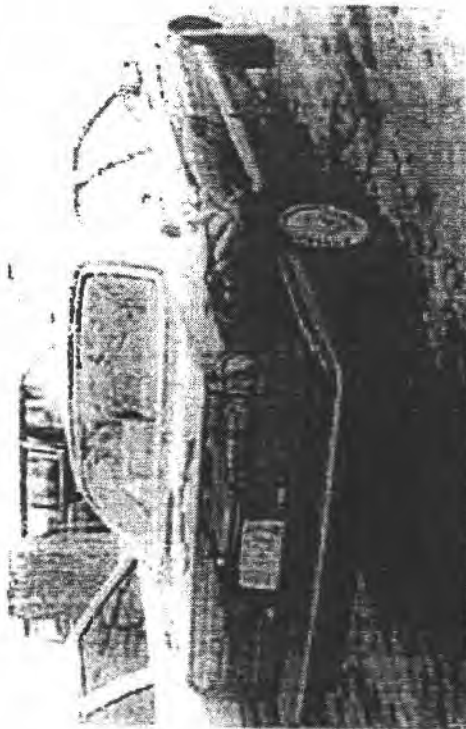
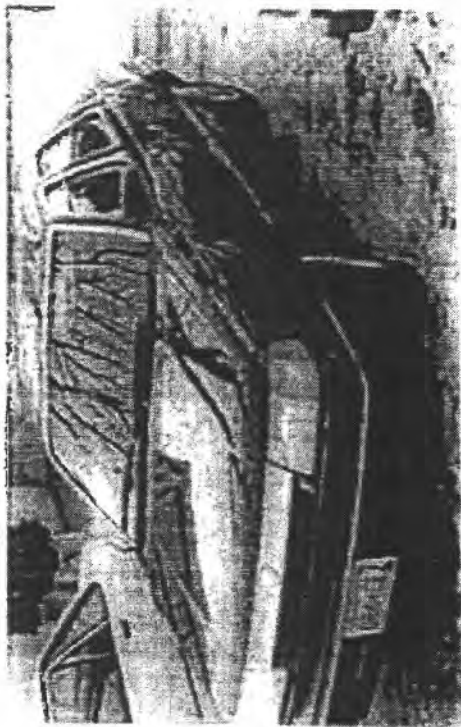
Appendix B

1987 Mercury Topaz



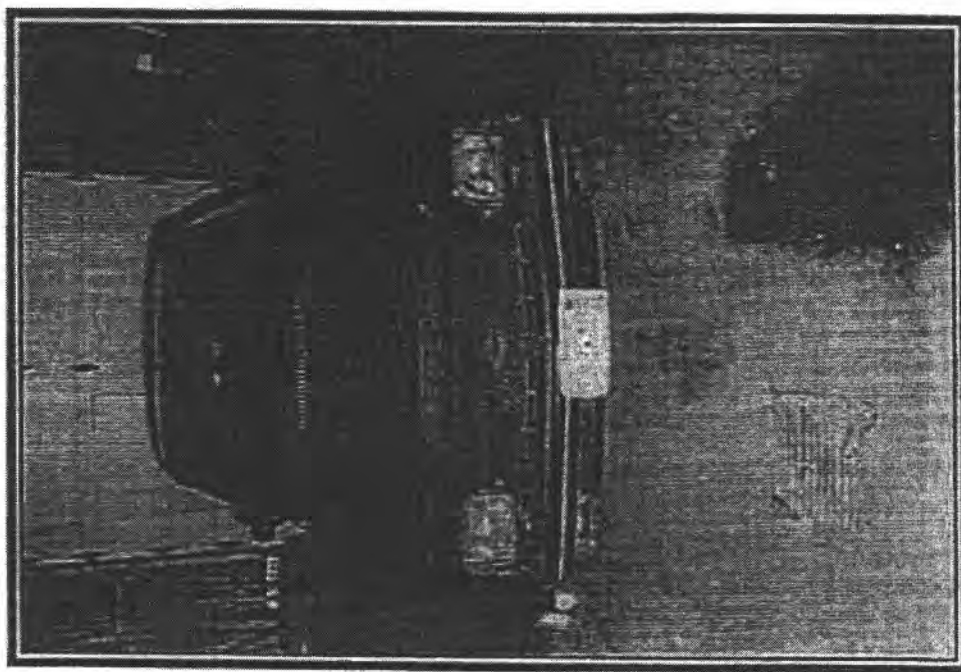
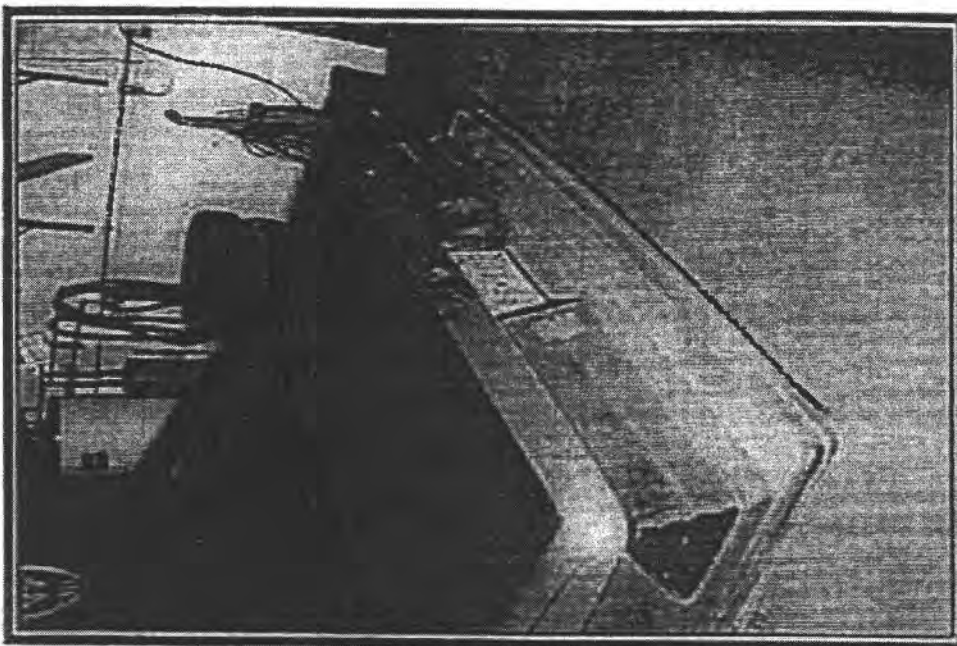
Appendix B

1987 Mercury Topaz



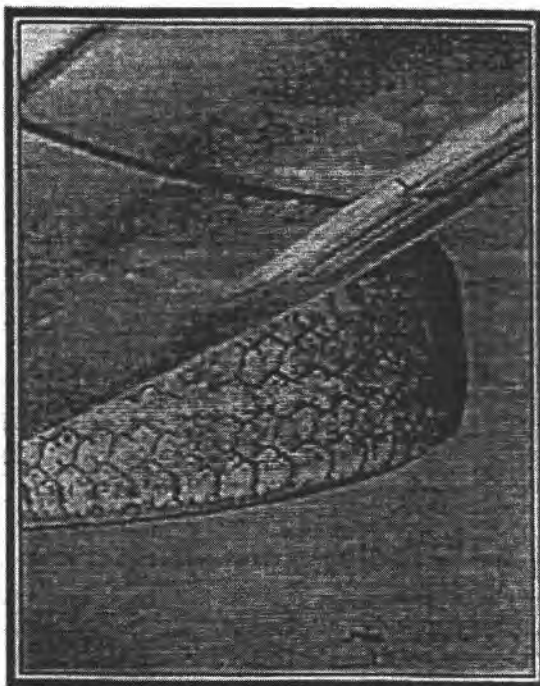
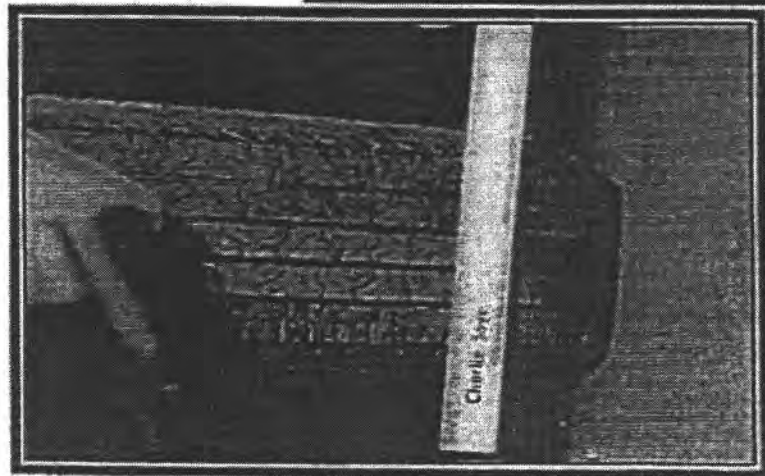
Appendix C

Danny Heinrich's, 1982 Ford EXP



Appendix C

Ford EXP
Superguard Tires



STATE OF MINNESOTA, COUNTY OF _____ COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

**APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT**

_____ being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

(are) (will be)
(at the premises) (in the motor vehicle) (on the person) described as:

located in the _____ of _____, County of _____, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. The property above described was stolen or embezzled.
2. The property above described was used as a means of committing a crime.
3. The possession of the property above described constitutes a crime.
4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

REPRINTED 8-1-79

1-2

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it is the first of its kind since the signing of the Constitution. The President, James Buchanan, is addressing the Congress, and he is doing so in a very formal and dignified manner. He is discussing the state of the Union, and he is also discussing the issue of slavery. He is saying that the Union is in a state of crisis, and that he is doing everything in his power to maintain it. He is also saying that he is not going to interfere with the rights of the States, and that he is not going to allow the Union to be broken up.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

1. The Commission has been informed that the above-mentioned information was obtained from a source who has provided reliable information in the past.

1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the
6. sixth of these is the fact that the
7. seventh of these is the fact that the
8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the

(continued on page 1-3)

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4/253

Appendix D

APPLICATION 1-2A

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching feeling penis with his hand. The driver instructed "touch the driver's genital area, which I did. The driver then placed penis into his mouth and began to suck on it. After some time, the driver instructed I to suck on the driver's penis. I complied, placing the driver's penis inside his mouth. I noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, I wiped his mouth on his T-shirt several times. The driver instructed to kneel on his hands and knees and spread his legs. I complied and the driver attempted to insert his penis into rectum. I struggled and the driver was unable to effect entrance. The driver stated, "I give up".

I stated that the driver then returned to the driver's seat, instructing to give the driver pants, which were Lee stone-island jeans, size Regular 14, and underwear, size 12 or 14. The driver took pants and underwear into the front seat and permitted I to put on his snowmobile suit. The driver then drove back toward Cold Spring. While driving, the driver asked whether he had any money. I stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped off near the City of Cold Spring, instructing I to roll around in the snow in order to wipe his snowmobile suit off. Before permitting I to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed that the driver had a gun. As he dropped off, the driver stated that could tell what happened, but if the police got a lead on the driver, the driver would "get after school and kill".

On January 17, 1989, Detective Pearce displayed to a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, I indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8RB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L, was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence I sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

and , male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Ervin Wetterling, whose age is 11 years; and told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered and to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

Appendix U

APPLICATION 1-3

(attach and identify additional sheet if necessary)

A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:

An unannounced entry is necessary (to prevent the loss, destruction or removal of the objects of the search [and] to protect the safety of the peace officer(s) because:

WHEREFORE, Affiant request a search warrant be issued, commanding all peace officers, state and local, to
search all vehicles and all persons in all

(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)
(in the daytime only) (in the daytime or nighttime)
to search the hereinbefore described (premises) (motor vehicle) (person)
for the described property and things and to seize said property and things and keep said property and things in
custody until the same be dealt with according to law.

Subscribed and sworn to before me this

5 day of June, 1977

[Signature]
Affiant (Judge, Peace Officer, etc.)

Judge of

Court

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

4/256

STATE OF MINNESOTA, COUNTY OF STERANS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth P McDonald , received the attached search warrant issued by the Honorable Scherer, on September 2, 2016 , and have executed it as follows:

Pursuant to said warrant, on September 2, 2016, at 11:00am, I searched the (premises described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Apparent bones
Boys T-shirt with the name "Wetterling" on it
Mesh shirt
Miscellaneous fabric

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016.
-
- I shall (retain) custody of said property as directed by Court order.

I, Kenneth P McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
_____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/257

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

TO: **Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold**, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, SPECIAL AGENT KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Premises:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in PAYNESVILLE TOWNSHIP County of Stearns STATE OF MINNESOTA for the following described property and things:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREAS, the application and supporting affidavit of Special Agent Kenneth McDonald was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

NOW, THEREFORE, YOU **Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold** THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY AUTHORIZED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED PREMISES,

BY THE COURT:

Dated: 9-2-16


JUDGE OF DISTRICT COURT

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

4/258

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

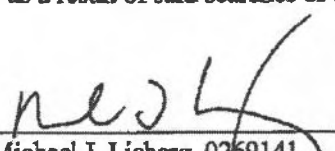
Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Assistant Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt Inventory, and Return Form, the attached Affidavit of Kenneth McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, an officer involved in the investigation of activities involving the disappearance and kidnapping of Jacob Erwin Wetterling as referenced in the attached Search Warrant. Said document contains information which, if filed, could cause this search or a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could severely hamper the ongoing investigation regarding the disappearance and kidnapping of Jacob Erwin Wetterling as summarized in the Search Warrant. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches or at any other time the court directs.

Dated: September 2, 2016



Michael J. Lieberg, 0269141
Assistant Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

L/259

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

**AFFIDAVIT OF
INVESTIGATOR KENNETH
MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the police officers involved in the investigation into the disappearance of Jacob Erwin Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt Inventory, and Return Form, this Affidavit of Kenneth McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause this search or future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

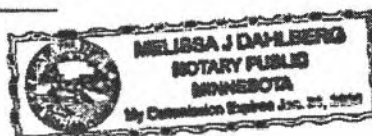
State of Minnesota)
)ss.
County of Stearns)

Kenn McDonald
Investigator Kenneth McDonald
Stearns County Sheriff's Office

Subscribed and sworn to before me this 2nd

day of Sept., 2016 by Investigator Kenneth McDonald.

Melissa J Dahlberg
Notary Public



STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sherriff's Office Case No. 15058128

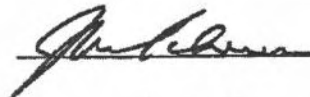
Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

ORDER

Based upon the attached Motion submitted by Assistant Stearns County Attorney Michael J. Lieberg and the Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause this search or future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could create a substantial risk of severely hampering the ongoing investigation into the disappearance of Jacob Erwin Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Kenneth McDonald of Stearns County Sheriff's Office. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: 9-2-16



Judge of District Court

No. 76970

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA

Against

TERRY D. HANSEN

6-8-49

Defendant

WARRANT OF COMMITMENT

C.C. STILLWATER

105995

Reg. No. 105995

Name Hansen, Terry Delbert

County Henn

Crime Criminal Sex. Cond 3rd deg

Term 30 months

Date Nov. 5, 1981

Expiration Date

Examined

By

Reg. No. -105905-

Minnesota State Prison

COMMITMENT

66dd
90

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Copy of Minutes of Conviction and Sentence
WARRANT OF COMMITMENT

STATE OF MINNESOTA
vs.

TERRY D. HANSEN

Defendant

No. 76970

To the Sheriff of Hennepin County, in said County, and to the (Commissioner of Corrections),
(Superintendent Adult Corrections Facility Hennepin County) of the State of Minnesota;

At a General Term of said Court, the County Attorney on the 14th day of January,
19 81, presented to said Court, a Complaint against Terry D. Hansen,
charging defendant with the crime of Ct.1 Burglary Ct.2 Crim Sex 3rd Degree

That the said defendant on the 15th day of May, 19 81, being before the
Court, was arraigned, and pleaded guilty ct.2.

Whereupon, on the 16th day of July, 19 81, said defendant was sworn
and in response to questions put, responded in substance as follows to-wit:

(TRANSCRIPT Attached - Follows)

Counsel for State Pete Connors

Counsel for Def Layne Ayres

Court Clerk Mark Cosmini

Court Reporter Donald Klabunde

That thereafter on the 16th day of July, 19 81, said defendant being
before the Honorable William Posten, City of Minneapolis, Hennepin County, MN,
in accordance with said plea/verdict, adjudged said defendant guilty of said crime(s) as follows:

IT IS CONSIDERED AND ADJUDGED that you, Terry D. Hansen, as
punishment for the crime of Criminal Sexual Conduct 3 Rd Degree.

of which you have been convicted in this
cause, be confined to the (Commissioner of Corrections) (Superintendent Adult Corrections) at
Stillwater, Minnesota, for a term of 30 months or

until you shall have been thence discharged by due course of law or by competent authority.

Credit 4 days jail time.

Now therefore, the said Sheriff is hereby commanded to convey and deliver said
defendant, into the custody of the Superintendent or Commissioner in accordance with the
aforestated adjudication, and you, are hereby commanded to receive the defendant into your
custody and safe keeping until he/she shall have been discharged by due course of law, or by
competent authority.

Witness the Honorable HAROLD KALINA, Judge of said
District Court, and the Seal of Said Court, at the City of
Minneapolis, in said County and State,

This 3rd day of November, 19 81.

JACK M. PROVO
Court Administrator

by Terry Lindstrom, Deputy

Gidd
a1

HC 3271
10/64

Court No. A-76,07

**DISTRICT COURT
FOURTH JUDICIAL DISTRICT
FILED**

STATE OF MINNESOTA
County of Hennepin
STATE OF MINNESOTA

Plaintiff, **REPORT OF PROBATION OFFICER
AND ORDER VACATING STAY**

- vs -

TERRY DELBERT HANSEN

Defendant. **HC ALMINISTRATOR**

To the Honorable WILLIAM POSTON, one of the Judges of the above-entitled Court:
On the 15th day of May, 1981, TERRY DELBERT HANSEN the
above-named defendant pled guilty to the crime of CRIMINAL
SEXUAL CONDUCT IN THE FOURTH DEGREE upon COMPLAINT FILED BY COUNTY ATTORNEY
of Hennepin County, Minnesota, on the 14th day of January, 1981; and thereafter on
the 16th day of July, 1981, defendant was sentenced to
COMMISSIONER OF CORRECTIONS AT STILLWATER, MINNESOTA FOR THIRTY MONTHS

And thereafter on July 16, 1981, the execution of said sentence was
duly stayed by said Court until the 15th day of July, 1986, and defendant was
placed on probation under the supervision of the Probation Office during said stay

And I further report that during the continuance of said stay, defendant has
violated the terms of probation in this:

The defendant has refused to cooperate with a referral to Alpha House, a treatment
program. Such referral to a treatment program was a condition of the defendant's
probation.

And I further report that a summary hearing was held on November 3, 1981
as to the alleged violations.

I therefore report the above facts, and respectfully recommend that the order of Court staying the
execution of sentence herein be vacated, and that a warrant of commitment issue
herein forthwith.

DATED: November 3, 1981

APPROVED BY: WILLIAM J. CALDER
COURT SERVICES SUPERVISOR

KATHLEEN N. HALVERSON Probation Officer

Upon the foregoing report IT IS HEREBY ORDERED that the stay of the execution
of the sentence granted in the above-entitled matter be and the same is hereby vacated and set
aside, and it is ordered that a warrant of commitment issue herein forthwith.

DATED: November 3, 1981

By The Court:

William Poston

Judge.

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